



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTICOUNTY: CSAC Excess Insurance Authority (CSAC-EIA)

A written comment period has been established commencing on **March 25, 2011** and closing on **May 9, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention: Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **May 9, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODE

AMENDMENT

MULTICOUNTY: Mohave Desert Air Quality Management District
Truckee Donner Recreation and Park District

A written comment period has been established commencing on **March 25, 2011** and closing on **May 9, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **May 9, 2011**. If a

public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 5. BOARD OF EDUCATION

AVAILABILITY OF CHANGED OR MODIFIED TEXT

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING INCLUSION OF MIDDLE SCHOOL DROPOUTS IN THE ACADEMIC PERFORMANCE INDEX

[Notice published March 25, 2011]

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:00 p.m. on May 9, 2011, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption
Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomment@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 9, 2011. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 52052, Education Code.

Reference: Sections 37200, 52052 and 52052.1, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The SBE proposes to add Article 1.8 to Division 1, Chapter 2, Subchapter 4 of the California Code of Regulations, Title 5. This section concerns the inclusion of dropout rates for pupils who drop out of school while enrolled in grade eight or grade nine in the Academic Performance Index (API).

The intent of these proposed regulations is to define dropout rates for the purpose of inclusion in the API. Specifically, these regulations provide definitions of dropouts (numerator) and definitions of enrollment (denominator) to be used in two one-year dropout rate calculations.

California Education Code section 52052.1 (added by Senate Bill [SB] 219, Stats. of 2007, c. 731) requires the inclusion of dropout rates for pupils who drop out of school while enrolled in grade eight or grade nine in the API. The implementation of this requirement was originally contingent upon local educational agencies (LEAs) receiving a per pupil allocation for implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) prior to the 2010-11 fiscal year. SB 651 (Stats. of 2009, c.197) amended Education Code section 52052.1 by removing the CALPADS funding trigger and made this section of the Education Code operative.

These proposed regulations define two one-year dropout rates (i.e., a grade eight dropout rate and a grade nine dropout rate) at the school and LEA levels.

The grade eight dropout rate is defined as the number of dropouts divided by enrollment for each school and LEA with grade eight enrollment. The number of dropouts in the school grade eight dropout rate is equal to the number of grade eight academic year dropouts. The number dropouts in the LEA grade eight dropout rate is equal to the number of grade eight academic year dropouts plus grade eight transition dropouts.

A grade eight academic year dropout means a student who:

Enrolled in grade eight during the academic school year; and

Left school prior to completing the academic school year, and is not enrolled at any school on the first Wednesday in October of the following academic year.

These dropouts are attributed to the grade eight school and LEA in which the student was last enrolled in grade eight.

A grade eight transition dropout means a student who:

- Was enrolled in grade eight at the end of the academic school year; and
- Did not begin attending grade ten or any other grade in any school by the first Wednesday in October of the subsequent academic school year as determined by CALPADS.

These dropouts are attributed to the grade eight LEA in which the student completed grade eight.

Enrollment used to calculate the grade eight dropout rate (i.e. the denominator) is equal to the number of grade eight academic year dropouts plus the number of prospective grade nine students. Prospective grade nine students are those students who successfully completed grade eight.

The grade nine dropout rate is defined as the number of dropouts divided by enrollment for each school and LEA with grade nine enrollment and grade nine as the highest grade offered. The number of dropouts in the school-level grade nine dropout rate is equal to the number of grade nine academic year dropouts. The number of dropouts in the LEA-level grade nine dropout rate is equal to the number of grade nine academic year dropouts plus grade nine transition dropouts.

A grade nine academic year dropout means a student who:

- Enrolled in grade nine during the academic school year; and
- Left school prior to completing the academic school year, and is not enrolled at any school on the first Wednesday in October of the following academic year.

These dropouts are attributed to the grade nine school and LEA in which the student was last enrolled in grade nine.

A grade nine transition dropout means a student who:

- Was enrolled in grade nine at the end of the academic school year; and
- Did not begin attending grade nine or any other grade in any school by the first Wednesday in October of the subsequent academic school year as determined by CALPADS.

These dropouts are attributed to the grade nine LEA in which the student completed grade nine.

Enrollment used to calculate the grade nine dropout rate (i.e. the denominator) is equal to the number of grade nine academic year dropouts plus the number of prospective grade ten students. Prospective grade ten students are those students who successfully completed grade nine.

The academic school year for the purposes of these regulations is defined as beginning on July 1 and ending on June 30.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SBE has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Meredith Babcock–Roberson, Education Research
and Evaluation Consultant
Evaluation, Research, and Analysis Unit
California Department of Education
1430 N Street, Suite 4202
Sacramento, CA 95814
Telephone: 916–319–0423
E–mail: mbabcock@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Regulations Analyst, at 916–319–0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE’s Web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Meredith Babcock–Roberson, Education Research and Evaluation Consultant, 1430 N Street, Sacramento, CA, 95814; telephone, 916–319–0424. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 7. BOARD OF PILOT COMMISSIONERS

BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN

NOTICE OF PROPOSED RULEMAKING

March 25, 2011

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

1. Title 7. Harbors and Navigation, Division 2. State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun Section 218, Duties of Port Agent

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

The Board proposes to amend sections 218 in Title 7 of the California Code of Regulations in order to imple-

ment, interpret and make specific Harbors and Navigation Code section 1130 relating to the Port Agent's responsibility to notify the Executive Officer of the Board of a suspected violation, navigational incident, misconduct, or other rules violation.

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Harbors and Navigation Code section 1154 and in order to implement, interpret, and make specific Harbors and Navigation Code section 1130.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Section 218 provides for the selection and the duties of the Port Agent. It states that the pilots licensed by the Board shall select from among their members, one person to act as the Port Agent and to carry out the orders of the Board. The Port Agent is responsible for the general supervision and management of all matters relating to the business and official duties of the pilots. Existing subsection (d) requires the port agent in carrying out his or her duties, to be primarily guided by the need for safety of persons, property, vessels and the marine environment. This subsection has been moved and is reformatted as subsection(c).

Subsection (c)(6) is reformatted to (d)(6) and the existing language requires the port agent to report to the Board all accidents, groundings, collisions or similar navigational incidents involving vessels to which a pilot has been assigned. This section is amended to also require the port agent to report any suspected pilot misconduct, pilot violations of these regulations or the Harbors and Navigation Code, and other matters for which a pilot may be disciplined by the Board.

This section is also amended to require specific content in the report. The report shall include the name of pilot; name of pilot trainee involved, if any; date of incident, misconduct or violation; time of incident, misconduct or violation; location of incident, misconduct or violation; nature of incident, misconduct or violation; name of vessel involved, if any; twenty-four (24) hour telephone number for the vessel agent; and the vessel's location and itinerary.

A new subsection (d)(7) is added to require the Port Agent to report orally to the Executive Director, as soon as practicable under the circumstances, the information required in subsection (c)(6). It also provides for alternate persons to notify if the Executive Director is unavailable, to include the Assistant Director, the public member of the Incident Review Committee, or the Secretary of Business, Transportation and Housing or his or her designee. This section will require the Executive

Director to provide the Port Agent with the contact information for each of the persons to whom notice may be given.

COST ESTIMATES OF PROPOSED ACTION

The Board has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not directly affect small business. The proposed regulations will only affect the pilots in the program. These regulations specifically affect the pilot elected to be the port agent for the San Francisco Bay.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The adoption of these regulations will not facilitate the creation or elimination of jobs within California. The adoption of these regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

REASONABLE ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for

which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. Written comments will be accepted by the Board until 5:00 p.m. on May 9, 2011. Submit comments to:

Terri Toohey
Business, Transportation and Housing Agency
980 Ninth Street, Suite 2450
Sacramento, CA 95814
Terri.toohey@bth.ca.gov

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Terri Toohey
Email: terri.toohey@bth.ca.gov
Phone: 916-323-5400

The backup contact person for these inquiries is:

Name: Gabor Morocz
Email: gabor.morocz@bth.ca.gov
Phone: 916-323-5400

Questions on the substance of the proposed regulations may be directed to:

Name: Allen Garfinkle
Email: allen.garfinkle@boppc.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Board may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulation are appropriate. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the

above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Business, Transportation and Housing Agency, 980 Ninth Street, Suite 2450, California during normal business working hours (9 a.m.-5 p.m.). Please contact Terri Toohey at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Board Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

BOARD INTERNET WEBSITE

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: www.pilotcommission.org.

TITLE 10. DEPARTMENT OF INSURANCE

45 Fremont Street, 21st Floor
San Francisco, California 94105

REG-2011-00003

March 15, 2011

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE RATES

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to consider an adjustment to rates

for the California Low Cost Automobile Insurance program.

Insurance Code Section 11629.72(c) provides that, annually, the California Automobile Assigned Risk Plan ("CAARP") shall submit to the Commissioner a proposed Low Cost Automobile rate and surcharge schedule for approval. Accordingly, CAARP submitted its 2011 rate recommendation on January 6, 2011, proposing an overall average rate decrease of 6.2%.

Currently, the annual premiums for the liability policy, by county, are \$314 for Alameda, \$264 for Alpine, \$264 for Amador, \$277 for Butte, \$264 for Calaveras, \$277 for Colusa, \$314 for Contra Costa, \$277 for Del Norte, \$264 for El Dorado, \$248 for Fresno, \$277 for Glenn, \$277 for Humboldt, \$264 for Imperial, \$264 for Inyo, \$264 for Kern, \$248 for Kings, \$277 for Lake, \$277 for Lassen, \$358 for Los Angeles, \$248 for Madera, \$314 for Marin, \$264 for Mariposa, \$277 for Mendocino, \$248 for Merced, \$277 for Modoc, \$264 for Mono, \$248 for Monterey, \$277 for Napa, \$264 for Nevada, \$358 for Orange, \$264 for Placer, \$277 for Plumas, \$264 for Riverside, \$314 for Sacramento, \$248 for San Benito, \$264 for San Bernardino, \$264 for San Diego, \$314 for San Francisco, \$314 for San Joaquin, \$248 for San Luis Obispo, \$314 for San Mateo, \$248 for Santa Barbara, \$314 for Santa Clara, \$248 for Santa Cruz, \$277 for Shasta, \$264 for Sierra, \$277 for Siskiyou, \$277 for Solano, \$277 for Sonoma, \$314 for Stanislaus, \$314 for Sutter, \$277 for Tehama, \$277 for Trinity, \$248 for Tulare, \$264 for Tuolumne, \$264 for Ventura, \$277 for Yolo and \$264 for Yuba. A 25 percent surcharge is added to the base rate for unmarried male drivers ages 19 through 24 years of age.

Annual premiums for optional uninsured motorists coverage, by county, are currently \$36 for Alameda, \$37 for Alpine, \$37 for Amador, \$21 for Butte, \$37 for Calaveras, \$21 for Colusa, \$36 for Contra Costa, \$21 for Del Norte, \$37 for El Dorado, \$33 for Fresno, \$21 for Glenn, \$21 for Humboldt, \$37 for Imperial, \$37 for Inyo, \$37 for Kern, \$33 for Kings, \$21 for Lake, \$21 for Lassen, \$67 for Los Angeles, \$33 for Madera, \$36 for Marin, \$37 for Mariposa, \$21 for Mendocino, \$33 for Merced, \$21 for Modoc, \$37 for Mono, \$33 for Monterey, \$21 for Napa, \$37 for Nevada, \$67 for Orange, \$37 for Placer, \$21 for Plumas, \$37 for Riverside, \$36 for Sacramento, \$33 for San Benito, \$37 for San Bernardino, \$37 for San Diego, \$36 for San Francisco, \$36 for San Joaquin, \$33 for San Luis Obispo, \$36 for San Mateo, \$33 for Santa Barbara, \$36 for Santa Clara, \$33 for Santa Cruz, \$21 for Shasta, \$37 for Sierra, \$21 for Siskiyou, \$21 for Solana, \$21 for Sonoma, \$36 for Stanislaus, \$36 for Sutter, \$21 for Tehama, \$21 for Trinity, \$33 for Tulare, \$37 for Tuolumne, \$37 for Ventura, \$21 for Yolo and \$37 for Yuba.

For optional medical payments coverage, by county, premiums are currently \$35 for Alameda, \$25 for Alpine, \$25 for Amador, \$27 for Butte, \$25 for Calaveras, \$27 for Colusa, \$35 for Contra Costa, \$27 for Del Norte, \$25 for El Dorado, \$27 for Fresno, \$27 for Glenn, \$27 for Humboldt, \$25 for Imperial, \$25 for Inyo, \$25 for Kern, \$27 for Kings, \$27 for Lake, \$27 for Lassen, \$42 for Los Angeles, \$27 for Madera, \$35 for Marin, \$25 for Mariposa, \$27 for Mendocino, \$27 for Merced, \$27 for Modoc, \$25 for Mono, \$27 for Monterey, \$27 Napa, \$25 for Nevada, \$42 for Orange, \$25 for Placer, \$27 for Plumas, \$25 for Riverside, \$35 for Sacramento, \$27 for San Benito, \$25 for San Bernardino, \$25 for San Diego, \$35 for San Francisco, \$35 for San Joaquin, \$27 for San Luis Obispo, \$35 for San Mateo, \$27 for Santa Barbara, \$35 for Santa Clara, \$27 for Santa Cruz, \$27 for Shasta, \$25 for Sierra, \$27 for Siskiyou, \$27 for Solano, \$27 for Sonoma, \$35 for Stanislaus, \$35 for Sutter, \$27 for Tehama, \$27 for Trinity, \$27 for Tulare, \$25 for Tuolumne, \$25 for Ventura, \$27 for Yolo and \$25 for Yuba.

In its rate recommendation for 2011, CAARP has proposed to decrease rates for the liability, optional uninsured motorist and medical payments coverages referenced above. On average, CAARP's proposal would lower rates by 6.2%. The Commissioner will consider the current rates and CAARP's rate proposal and hereby invites public input regarding CAARP's proposal. Premium rates are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

AUTHORITY TO ADOPT RATES AND REFERENCE

Authority for the promulgation of rates is vested in the Insurance Commissioner pursuant to California Insurance Code Sections 11620, 11624, 11629.7, 11629.72, and 11629.79. Premium rates are referenced in Section 27 and Exhibit E of the Program's Plan of Operations. The proposed regulation implements, interprets, and makes specific Insurance Code sections 11629.72 and 11629.79. Government Code Section 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

Date and Time: May 11, 2011
10:00 a.m.

Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
Legal Division
300 Capitol Mall, 17th floor
Sacramento, CA 95814
Bryant.Henley@insurance.ca.gov
Telephone: (916) 492-3558
Facsimile: (916) 324-1883

The backup agency contact person for this proceeding will be:

Mike Riordan, Staff Counsel
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Mike.Riordan@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on May 11, 2011**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile

transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Insurance Code Sections 11629.7 through 11629.85 establish, within the California Automobile Assigned Risk Plan, authorized by Section 11620 of the Insurance Code, a statewide Low Cost Automobile Insurance Program.

Because the program is established and administered through the California Automobile Assigned Risk Plan ("CAARP"), CAARP procedures are applied where appropriate and consistent with the low cost automobile insurance statutes. Insurance Code Sections 11620 and 11624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Section 11629.7 of the Insurance Code requires that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportionment, among insurers, of eligible consumers. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other

requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for adjusting the rates.

Insurance Code Section 11629.72(c) provides that, annually, CAARP shall submit to the Commissioner a proposed rate and surcharge for approval. Accordingly, CAARP has submitted a proposal to reduce overall the current rates for the liability policy and optional coverages and further proposes to maintain the 25 percent surcharge rate. Further details appear in the application on file with the Commissioner, which is available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Insurance Commissioner has initially determined that the proposal will have minimal, if any, effect on small businesses and invites comments.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed rate, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The rate application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate proposal, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of CAARP's rate application are on file

with the Commissioner and available for review as set forth below.

QUESTIONS REGARDING REGULATIONS/ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rate application. **By prior appointment**, CAARP's Low Cost Automobile rate application is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling (415) 538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling (213) 346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed rate application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right-hand column of the page, click the drop-down menu under the heading 'For Insurers.' In this section, scroll down until you see the subheading 'Regulations.' Below this subheading, click on the 'Proposed Regulations' link and then click on the 'Search for Proposed Regulations' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2011-00003" (the Department's regulation file number for these regulations) in the 'Search for' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "11624"), or search by keyword ("low cost," for example). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'California Low Cost Auto Insurance Rates: 2011' link, and click it. Links to the documents associated with these regulations will then be displayed.

TITLE 10. DEPARTMENT OF INSURANCE

45 Fremont Street, 21st floor
San Francisco, California 94105

REG-2009-00025

March 25, 2011

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to consider revisions to the California Low Cost Automobile ("CLCA") Insurance Plan of Operations. The purpose of the revisions is to update the Plan of Operations to make the Plan consistent with existing rules and policies. The CLCA Plan of Operations is approved by the Commissioner and incorporated by reference within California Code of Regulations, Title 10, Chapter 5, Section 2498.6.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes changes to the California Automobile Insurance Low Cost Program Plan of Operations, referenced in Title 10, Chapter 5, Subchapter 3, Article 8, Section 2498.6 of the California Code of Regulations, pursuant to the authority vested in him by California Insurance Code Sections 11620, 11629.7 and 11629.79. The purpose of these amendments is to implement, interpret, and make specific the provisions of California Insurance Code Sections 11629.7 and 11629.77.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations at the following date, time, and place:

Date and Time: **May 11, 2011**
10:00 a.m.

Location: **45 Fremont Street**
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
henleyb@insurance.ca.gov
Telephone: (916) 492-3558
Facsimile: (916) 324-1883

The backup agency contact person for this proceeding will be:

Michael Riordan, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on May 11, 2011**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW

California Insurance Code Sections 11629.7 through 11629.85 set forth, within the California Automobile Assigned Risk Plan established under Section 11620 of the Insurance Code, a statewide Low Cost Automobile Insurance Program.

Because the program is established and administered through the California Automobile Assigned Risk Plan ("CAARP"), CAARP procedures are applied where appropriate and consistent with the low cost automobile insurance statutes. Insurance Code Sections 11620, 11624 and 11629.7 require the Commissioner to approve a reasonable plan for the equitable apportionment of persons who are eligible to purchase Low Cost Automobile Insurance.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for developing a plan of operations to implement the Low Cost Automobile Insurance Program.

Section 2498.6 of the California Code of Regulations (Title 10, Chapter 5, Subchapter 3) references the separate CLCA Program Plan of Operations, approved by the Commissioner, and sets forth procedures for obtaining a copy of the Plan of Operations. The regulation implements, interprets, and makes specific CIC §§ 11629.7–11629.85.

The proposed amendments refer to sections of the Plan of Operations.

POLICY STATEMENT OVERVIEW

The proposed amendments to the statutorily required plan are intended to revise and clarify procedures for obtaining Low Cost Automobile Insurance. The purpose of each of the proposed amendments is to refine the CLCA Plan of Operations into a plan that properly reflects the Commissioner's policies regarding Low Cost Automobile Insurance and also to reflect the most recent changes in existing law.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or sig-

nificant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves minor changes to the Plan of Operations Manual for CLCA Insurance, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

These proposed regulations may affect small businesses. Insurance companies, however, do not fall within the definition of a small business. (Gov. Code § 1342.610(b)(2).)

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the atten-

tion of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed regulations, or other alternatives, at the scheduled hearing or during the written comment period.

BUSINESS REPORTING REQUIREMENT

The Commissioner finds it is necessary for the health, safety, or welfare of the people of this State that these regulations which require a report apply to businesses.

PLAIN ENGLISH

The text describing the proposal is in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the regulations, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at no charge upon a request made to the contact person listed above.

QUESTIONS REGARDING REGULATIONS/ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rulemaking file. **By prior appointment**, the rulemaking file is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling 415/538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling 213/346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed action, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right-hand column of the page, click the drop-down menu under the heading 'For Insurers.' In this section, scroll down until you see the subheading 'Regulations.' Click on the "Regulations" subheading and then click on the 'Proposed Regulations' link. After clicking on the 'Proposed Regulations' link, click on the 'Search for Proposed Regulations' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search in the advanced search field, click on 'Advanced Search' and then enter "REG-2009-00025" (the Department's regulation file number for these regulations) in the 'CDI File No.' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "11629.7"), or search by keyword ("low cost," for example). Then, click on the 'Submit' button to display links to the various filing documents.

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

CALIFORNIA CODE OF REGULATIONS, DIVISION 29

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board for Professional Engineers, Land Surveyors,
and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Thursday, May 12, 2011
9:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 12, 2011, or must be received by the Board immediately following the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7818 and 7822 of the Business and Professions Code, and to implement, interpret, or make specific Sections 7846 and 7887 of said Code, the Board is considering changes to Division 29 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

An applicant for licensure as a Professional Geologist must take and pass three separate examinations prior to obtaining licensure: the Fundamentals of Geology examination (FG), the Practice of Geology examination (PG), and the California Specific examination (CSE).

The FG and PG examinations are created by, purchased from, and scored by the National Association of State Boards of Geology (ASBOG), which provides the California Board, along with the boards of many other states, the FG and PG national examinations. Effective March 2011, ASBOG is charging all its customers (State Boards) \$250 for each of their PG examinations purchased. The Board, however, is currently charging applicants \$150 for these examinations. Not only does this result in a loss of \$100 per applicant, it results in the Board being out of compliance with statute. Business and Professions Code Section 7887(h) states that “each applicant for registration as a geologist shall pay an examination fee fixed by the board at an amount equal to the actual cost to the board to administer the examination described in subdivision (d) of Section 7841 that shall not exceed four hundred fifty dollars (\$450).”

This increase in the ASBOG PG examination fee affects several current subsections of CCR §3005. Section 3005(b)(4) states “each examination including both sections of the national examination and the California specific supplemental examination for registration as a geologist . . . \$300.” Since this \$300 fee is based on a \$150 cost to the Board for each of the ASBOG national examinations (FG and PG) instead of the new \$250 fee being charged by ASBOG for the PG examination, this reduced examination fee of \$300 is much less than the cost to the Board of purchasing the examinations.

This proposed regulation would eliminate the reduced examination fees and the fee combinations listed in Section 3005 for any combination of the two (2) geology national examinations and the California Specific examination when taken together at one examination administration. Applicants would be charged the actual Board costs for each of the examinations. To ensure that the Board charges fees equal to its actual costs, as required by Business and Professions Code Section 7887(h), the fees specified in this proposed regulation must be increased.

In addition, Business & Professions Code Section 7887(a) requires applicants to pay \$250 when filing an application for licensure as a Professional Geologist or Professional Geophysicist, or certification as an Engineering Geologist or a Hydrogeologist. Also, Business and Professions Code Section 7846 states that an applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this chapter.” However, Section 3005(d) allows examination applicants who fail an examination to reapply without payment of the \$250 application fee within a four (4) year period after failing the examination, resulting in Section 3005(d) being out of compliance with statute. This proposal would conform the regulation to Business and Professions Code

Section 7846 by requiring all applicants to pay an application fee for their examinations and would repeal Section 3005(d).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

This proposed regulatory action would have an impact on applicants for licensure as a Professional Geologist due to the increase in the fees for the Practice of Geology examination. It does not appear that this impact will have a significant effect on the applicant population since those who wish to attain licensure will still need to go through the same process.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and

less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Larry Kereszt
Address: 2535 Capitol Oaks Drive,
Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263–2240
Fax No.: (916) 263–2246
E–Mail Address: Larry.Kereszt@dca.ca.gov

The backup contact person is:

Name: Patty Smith
Address: 2535 Capitol Oaks Drive,
Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263–1847
Fax No.: (916) 263–2246
E–Mail Address: Patty.Smith@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.geology.ca.gov>.

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Date: Wednesday, May 11, 2011

Time: 10:00 a.m.
Board for Professional Engineers & Land Surveyors
2535 Capitol Oaks Drive, 3rd Floor
Conference Room
Sacramento, California 95833

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **May 9, 2011**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2854 and 4504 of the Business and Professions (B&P) Code; and to implement, interpret or make specific sections 490, 820, 822, 2841.1, 2847, 2866, 2871, 2875, 2876, 2878, 2878.1, 2878.5, 2878.6, 2878.7, 2878.9, 2879, 4501.1, 4503, 4511, 4520, 4521, 4521.1, 4521.2, 4521.6, 4522, 4523 and 4524 of the B&P Code, and Section 6253.4 of the Government Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board's highest priority is protection of California consumers. B&P Code sections 2841.1 of the Vocational Nursing (VN) Practice Act and 4501.1 of the Psychiatric Technician (PT) law mandate that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The Board is authorized to investigate the criminal conviction history of applicants and licensees, subsequent arrests, allegations of unprofessional conduct, and unsafe or incompetent practice by licensed vocational nurses and psychiatric technicians. The Board is authorized to discipline licensees and applicants who may jeopardize the health, safety and welfare of the consumer.

B&P Code section 2854 (VN) and section 4504 (PT) authorize the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Vocational Nursing Practice Act and the Psychiatric Technicians Law. In order to enhance the Board's consumer protection mandate, the Board is proposing the following changes:

Specific Changes and Factual Basis/Rationale:

Amend Sections 2503 (VN) and 2563 (PT)

Existing law authorizes the Board to hire an Executive Officer (EO). Existing law authorizes the Board members to approve final action on licensing and disciplinary cases processed using the provisions of the Administrative Procedure Act, including those proposed through settlement agreement.

Existing regulations delegate certain functions to its EO relative to actions taken in connection with the Administrative Procedure Act.

This regulatory proposal delegates to the EO the authority to approve settlement agreements for the revocation, surrender, or interim suspension of a license.

Add Sections 2509 (VN) and 2568 (PT)

Existing law authorizes the Board to compel a licensed vocational nurse (LVN) or psychiatric technician (PT) to submit to physical or mental health examinations if the licensee's ability to practice in a competent manner may be impaired due to physical or mental illness. Existing regulations do not address physical or mental health examinations for applicants.

This regulatory proposal requires an applicant for a VN or PT license to undergo an evaluation and/or examination if it appears the applicant may be unable to practice due to mental and/or physical illness. The Board is required to pay for the examination.

Add Sections 2518.8 (VN) and 2576.8 (PT)

Existing law authorizes the Board to take disciplinary action against a LVN or PT or to deny an application for licensure due to unprofessional conduct.

This regulatory proposal specifies additional acts that constitute unprofessional conduct as follows: 1) In a civil settlement agreement, including or permitting to be included provisions prohibiting a party in the dispute from contacting, cooperating with, or filing a complaint with the Board, or requiring another party to the dispute to attempt to withdraw any complaint filed with the Board; 2) Failure to provide to the Board lawfully requested documents under the licensee's control, within the specified timeframe; 3) Failure to cooperate and participate in any Board investigation, as long as such action does not infringe upon the licensee's constitutional or statutory privileges; 4) Failure of a licensee to notify the Board within the specified timeframe of felony charges or indictment, arrest, conviction, or disciplinary action by another licensing entity; 5) Failure to comply with a court ordered subpoena to release records.

Renumber and Amend Sections 2524.1 (VN) to 2524.5 and 2579.11 (PT) to 2579.20

Existing law authorizes the Board to state the procedures to be followed when making its records available to the public.

This regulatory proposal will clean up language to clarify that the Board will disclose consumer complaint information and provide a copy of disciplinary documents upon any request from the public rather than only "written" requests. Additionally, this proposed regulatory action will renumber section 2524.1 (VN) and 2579.11 (PT) for organizational purposes.

Add New Sections 2524.1 (VN) and 2579.11 (PT)

Existing law authorizes the Board to deny an application for licensure or discipline a VN or PT license based on a conviction of a crime substantially related to the qualifications, functions or duties of a license.

This regulatory proposal specifies the disciplinary action to be taken against a person who is required to register as a sex offender and specifies when the provision does not apply.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or costs/Savings in Federal Funding to the State: Minor.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this proposed regulatory action will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. By way of its impact on the available workforce, the proposed regulatory action only affects relatively few individual licensees or applicants for licensure who may be unable to practice safely due to physical or mental illness, who are required to register as sex offenders, who have been found to have sexual contact with a patient or who have otherwise violated the Board's laws.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with any disciplinary order imposed and legal fees if the individual is represented by legal counsel. The impact of a disciplinary order varies and could include loss of employment income, if a license is revoked, surrendered, or suspended.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses. The regulatory proposal affects licensed vocational nurses, licensed psychiatric technicians, and applicants for licensure.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833 or on the Board's website listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Linda Ruyters, Administrative Analyst
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No: (916) 263-7845
Fax No: (916) 263-7859
E-Mail Address: linda.ruyter@dca.ca.gov

The backup contact person is:

Name: Alice Delvey-Williams,
Enforcement Program
Manager
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No: (916) 263-7832
Fax No: (916) 263-7857
E-Mail Address: alice.delvey-williams@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bvnpt.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Dental Board of California (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, California 95815
Tuesday, May 10, 2011
10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 9, 2011 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 315, 315.2, 315.4, and 1614 of the Business and Professions Code and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 315, 315.2, and 315.4 of the Business and Professions Code and Sections 11400.20

and 11425.50(e) of the Government Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates a total of 72,866 licensees; consisting of 37,508 dentists, 34,084 registered dental assistants, and 1,277 registered dental assistants in extended functions. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating the Dental Practice Act (DPA); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees, whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Business and Professions Code Section 1614 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act.

Business and Professions Code Section 315 establishes the Substance Abuse Coordination Committee (SACC) within the Department of Consumer Affairs (Department) and requires the SACC to formulate uniform and specific standards in sixteen specified areas for each healing arts board to use in dealing with substance-abusing licensees, whether or not a board chooses to have a formal diversion program.

Business and Professions Code Section 315.2 specifies that a healing arts board within the Department is required to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation or diversion program. The section specifies that the cease practice order under this section does not constitute disciplinary action and is not subject to adjudicative hearings.

Business and Professions Code Section 315.4 authorizes healing arts boards within the Department to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards adopted and authorized under Section 315. The section specifies that the cease practice order under this section does not constitute disciplinary action and is not subject to adjudicative hearings.

The main purpose for amending the regulation is to update the *Dental Board of California Disciplinary*

Guidelines with Model Language, Revised 08/30/2010, that is incorporated by reference in Section 1018, by using the uniform standards developed by the SACC in probationary orders and to specify that it is the Diversion Evaluation Committee's duty and responsibility to consider the uniform standards contained within the incorporated document in creating treatment rehabilitation plans for licensees entering the impaired licentiates program. The Board uses the Disciplinary Guidelines when taking action to suspend, revoke, or place a license on probation. The proposed changes are necessary to aid the Board in the discipline of substance abusing licensees to provide better public protection.

The Board is proposing the following changes:

Amend Article 4.5 and Section 1018 of Division 10 of Title 16 of the California Code of Regulations (Uniform Standards Related to Substance Abuse and Disciplinary Guidelines)

The title of Article 4.5 and the title of Section 1018 would be changed from "Disciplinary Guidelines" to "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines". The title of the incorporated document would be changed from "Dental Board of California Disciplinary Guidelines with Model Language" to "Dental Board of California Uniform Standards Related to Substance Abuse and Disciplinary Guidelines with Model Language". The incorporated document's revision date would be changed from August 30, 2010 to February 25, 2011.

Amend Section 1020.5 of Division 10 of Title 16 of the California Code of Regulations (Diversion Evaluation Committee Duties and Responsibilities)

This proposal would amend Section 1020.5 to specify that the diversion evaluation committee's duties and responsibilities include the consideration of the uniform standards contained within the "Dental Board of California Uniform Standards Related to Substance Abuse and Disciplinary Guidelines with Model Language", revised February 25, 2011, when creating treatment rehabilitation plans for licensees entering the impaired licentiates program.

Amend the *Dental Board of California Disciplinary Guidelines with Model Language, Revised 08/30/2010*, that is incorporated by reference in Section 1018 of Division 10 of Title 16 of the California Code of Regulations to *Dental Board of California Uniform Standards Related to Substance Abuse and Disciplinary Guidelines With Model Language*, revised February 25, 2011

The document incorporated by reference would be amended to the uniform standards developed by the SACC and contained within the document entitled "*Uniform Standards Regarding Substance Abusing Healing Arts Licensees*", dated April 2010.

Those proposed changes include:

- > Amendments to the Title Page to reflect the addition of the uniform standards to the Disciplinary Guidelines and new revision date of February 25, 2011.
- > Amendments to the Introduction to specify that the Board has adopted the recommended guidelines for disciplinary orders and conditions of probation for violations of the Dental Practice Act, as well as the uniform standards to be used for substance abusing licensees.
- > Addition of Legal Authority to specify that the legal authority for the “Dental Board of California Uniform Standards Related to Substance Abuse and Disciplinary Guidelines with Model Language” revised February 25, 2011, is contained in Section 1018 of Title 16 of the California Code of Regulations.
- > Addition of the uniform standards that should be used in all cases in which a license is placed on probation due to a substance abuse problem. Whether individual conditions are ordered however, is within the discretion of the Board. The uniform standards would include the following:
 1. Clinical Diagnostic Evaluation;
 2. Clinical Diagnostic Evaluation Report;
 3. Facilitated Group Support Meetings;
 4. Supervised Practice (Work Site Monitor Requirements);
 5. Major and Minor Violations; and
 6. Drug Testing Standards.
- > Proposed technical grammatical and punctuation corrections and technical non-substantive amendments to the following sections:
 1. Factors to Be Considered
 2. Other Situations in Which Revocation is the Recommended Penalty
 3. Probation Terms and Conditions
 4. List of Standard Probationary Terms and Conditions
 5. List of Additional Probationary Terms and Conditions
- > Amendments to the “List of Additional Probationary Terms and Conditions” to add (35) Facilitated Group Support Meetings and (36) Clinical Diagnostic Evaluation to the list of additional probation conditions.
- > Amendments of Standard Probation Condition (14) Notification to use the uniform standards of the SACC.
- > Addition of introductory language under the heading of “Additional Conditions of Probation

Model Language” to specify that the additional probationary conditions may be imposed depending on the nature of the violation(s) and that some of the additional probationary conditions should be applied to substance abusing licensees in consideration of the SACC’s uniform standards.

- > Amendment of Additional Probation Condition (18) Supervised Practice to use the uniform standards of the SACC.
- > Amendment of Additional Probation Condition (26) Diversion Program to use the uniform standards of the SACC.
- > Amendment of Additional Probation Condition (27) Biological Testing to use the uniform standards of the SACC.
- > Amendment of Additional Probation Condition (28) Abstain from Use of Alcohol, Controlled Substances, and Dangerous Drugs to use the uniform standards of the SACC.
- > Addition of Additional Probation Condition (35) Facilitated Group Support Meetings to use the uniform standards of the SACC.
- > Addition of Additional Probation Condition (36) Clinical Diagnostic Evaluation to use the uniform standards of the SACC.
- > Amendments to the Recommended Penalties to add (35) Facilitated Group Support Meetings and (36) Clinical Diagnostic Evaluation to the list of additional probation conditions in consideration of the SACC’s uniform standards as the recommended penalty for the following violations:
 - Section 1680(m) B&P — Violation of any Law Regulating the Dispensing or Administration of Dangerous Drugs or Controlled Substances
 - Section 1681(a) B&P — Substance Abuse, Possession or Control, Alcohol Abuse, or Conviction related to Controlled Substances
 - Section 1681 (b) B&P — Use of drugs/ alcohol causing danger to patient
 - Section 1681 (c) B&P — Conviction of violating state drug statutes

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the amendment of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States.

The following types of businesses would be affected:

- Businesses owned by licensees of the Board who face disciplinary action.
- Businesses that employ licensees of the Board who face disciplinary action.

The Board currently regulates a total of 72,866 licensees, including 37,508 dentists, 34,084 registered dental assistants, and 1,277 registered dental assistants in extended functions.

A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Probationers are responsible for paying the costs of the diversion program, clinical diagnostic evaluations, biological testing, and facilitated group support meetings as terms of probation. The average salary of a practicing dentist in California is approximately \$150,000 per year and the average salary of a practicing registered dental assistant in California is approximately \$35,000 per year.

The cost of Biological Testing may have the most significant impact. The average current rate of a urine analysis is \$45 per test, plus an average collection fee of \$25, for a total average cost of \$70 per urine test. A probationer ordered to comply with the Biological Testing condition would incur an expense of approximately \$7,300 for the first year (104 tests for the first year) and approximately \$3,500 per year for the duration of the probationary term (minimum of 50 tests per year for the subsequent probationary years). The average cost of the

first year of biological testing is approximately one-fifth of a registered dental assistant's average salary.

If the 104-time per year testing requirement results in a probationer's inability to participate in the testing program, the Board will send the case to the Office of the Attorney General to pursue revocation for the probationer's failure to comply with the Biological Testing term and condition. The Board anticipates up to 18 new probationers established each year will be subject to the new testing requirements. The Board anticipates that at least half of the probationers will not be able to afford the cost of the testing frequency and will result in the Board's pursuit of revocation of the probationer's license. The Board estimates it will incur an estimated annual cost of \$45,000 for the prosecution and hearing costs associated with the revocation of nine probationers.

The Dental Board of California has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- i. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- ii. Consolidation or simplification of compliance and reporting requirements for businesses.
- iii. The use of performance standards rather than prescriptive standards.
- iv. Exemption or partial exemption from the regulatory requirements for businesses.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal would have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. Licensees who are in compliance with the law will not incur any fiscal impact.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to Board are:

A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation may affect small businesses. The Board only regulates activities that appear to affect small businesses as defined in California Government Code Section 14837.

A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the small business where the licensee works depending on the nature and severity of the violation. A small business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a small business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Small businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Sarah Wallace, Legislative and
Regulatory Analyst
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2187
Fax No.: (916) 263-2140
E-Mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Richard DeCuir, Executive
Officer
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2300
Fax No.: (916) 263-2140
E-Mail Address: Richard.DeCuir@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Mount St. Mary's College, Doheny Campus, 10 Chester Place, Rose Hill Auditorium, Los Angeles, CA, 90007 on Wednesday, May 11, 2011 at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on May 9, 2011. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2614 and 2615 of the Business and Professions Code to implement, interpret or make specific Sections 480, 726, 2660, 2660.1, 2660.2, 2660.5, 2660.7, 2661 and 2661.5 of said Code and Sections 11425.50, 11500, and 11415.60, Government Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Physical Therapy Board of California (Board) is mandated to protect California consumers of physical therapy services. The process by which the Board meets this mandate are: issue licenses to eligible physical therapist and physical therapist assistant applicants; investigate complaints against physical therapist and physical therapist assistant licensees; discipline physical therapist and physical therapist assistant licensees for violation of the Physical Therapy Practice Act (PTPA); mon-

itor physical therapist and physical therapist assistant licensees who have been placed on probation; and manage a diversion program for physical therapist and physical therapist assistant licensees whose practice may be impaired due to chemical dependency. To enhance its public protection mandate, the Board is proposing the following changes:

Amend Section 1398.4 — Delegation of Functions

The Board has statutory authority to employ an Executive Officer to perform the duties delegated by the Board. In current regulation, except for those powers defined under the Administrative Procedure Act, the Board delegates to the Executive Officer all functions necessary to the dispatch of business in connection with investigative and administrative proceedings under the jurisdiction of the Board. This regulatory proposal would authorize the Executive Officer (EO) to delegate this function to the Assistant Executive Officer or other designee.

Adopt Section 1399.23 — Required Actions against Registered Sex Offenders

Authority exists in current law for the Board to deny an application for a license or discipline a licensee based on a sexual violation requiring registration as a sex offender pursuant to Penal Code section 290 since it is a conviction of a crime substantially related to the qualifications, functions, or duties of a license.

The proposed regulations require a specific disciplinary action be taken by the Board if an applicant for licensure, licensee, or petitioner for reinstatement of a revoked license is required to register as a sex offender. The proposed regulations also specify the circumstances in which the requirement for a specific disciplinary action would not apply.

This regulatory proposal specifies the disciplinary action to be taken against such a person.

Adopt Section 1399.24 — Unprofessional Conduct

Existing law authorizes the Board to take disciplinary action against a licensed physical therapist or physical therapist assistant for unprofessional conduct and defines any violation of the Physical Therapy Practice Act as unprofessional conduct.

In addition to the conduct described in section 2660 of the Business and Professions Code, this regulatory proposal would define additional causes for unprofessional conduct, which are as follows: Prohibiting a physical therapist or physical therapy assistant from: (1) including or attempting to include in civil settlement agreements provisions that prevent a person from contacting, cooperating with, or filing a complaint with the Board, or requiring that a person attempt to withdraw a complaint already filed with the Board; (2) failure to provide lawfully requested records that are under the licensee's control; (3) failure to cooperate and participate

in a Board investigation; (4) failure to report to the Board specified actions against the licensee such as indictment, arrest, or conviction; and (5) refusal or failure to comply with a court order mandating the release of records to the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: None.

The Physical Therapy Board of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The proposed regulatory action affects: 1) physical therapists and physical therapist assistants who are the subject of proposed Board disciplinary action and 2) applicants for licensure who may be unable to practice safely due to physical or mental illness.

Cost Impact on Private Persons or Entities:

The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Costs associated with any disciplinary order imposed by the Board could result in legal fees, if the individual is represented by legal counsel. The disciplinary order impact varies and could include loss of physical therapist or physical therapist assistant's employment income, if the license is revoked, surrendered, or suspended and/or recovery of investigative and attorney costs.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulation could affect small businesses if the licensee is the sole owner of the business. Physical therapists placed on probation could be

subject to restrictions of ownership for certain type of violations which in turn would affect the business. The Physical Therapy Board does not have the authority to require information regarding ownership of small businesses and therefore does not have information on the number of small businesses owned by physical therapists.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the contact person designated in the Notice under Contact Person or by accessing the Board's website at: www.ptbc.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Elsa Ybarra
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8262
(916) 263-2560 — Fax Number
Elsa.Ybarra@dca.ca.gov

The backup contact person is:

Rebecca Marco
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8260
(916) 263-2560 — Fax Number
Rebecca.Marco@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 18. STATE BOARD OF EQUALIZATION

California Code of Regulations, Title 18, Section 2558.1, *Wine*

Notice of Proposed Regulatory Action

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by article XX, section 22 of the California Constitution and Revenue and Taxation Code (RTC) section 32451, proposes to adopt California Code of Regulations, title 18, section (Regulation) 2558.1, *Wine*. The proposed regulation clarifies that for purposes of the Alcoholic Beverage Tax Law (RTC 32001 et seq.) wine, as defined by Business and Professions Code (BPC) section 23007, does not include any alcoholic beverage containing 0.5 percent or more alcohol by volume obtained from the distillation of fermented agricultural products other than from the particular agricultural product or products of which the wine is made and establishes January 1, 2012, as the prospective date for compliance with the clarified definition of wine.

PUBLIC HEARING

A public hearing on the proposed regulatory action will be held in Room 121, 450 N Street, Sacramento, at 10:00 a.m., or as soon thereafter as the matter may be heard, on May 24, 2011. At the hearing, any interested person may present or submit oral or written statements,

arguments, or contentions regarding the adoption of proposed Regulation 2558.1.

AUTHORITY

California Constitution, article XX, section 22 and RTC section 32451.

REFERENCES

BPC section 23007 and RTC sections 32002 and 32152.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

Article XX, section 22 of the California Constitution authorizes and requires the Board to assess and collect all excise taxes that are or may be imposed on the manufacture, importation, and sale of alcoholic beverages. RTC section 32451 expressly authorizes the Board to administer the Alcoholic Beverage Tax Law and adopt regulations relating to its administration and enforcement. And RTC section 32152 authorizes the Board to adopt regulations to coordinate California's and the federal government's systems for taxing beer and wine, so far as permitted by the express provisions of the Alcoholic Beverage Tax Law.

The Alcoholic Beverage Tax Law imposes different excise taxes on distilled spirits, beer, and wine, and the rates of the excise tax on distilled spirits are substantially higher than the rates of the excise tax imposed on beer and wine. (See RTC §§ 32151 (beer and wine) and 32201 (distilled spirits).) Still wines are taxed at a rate of one or two cents per gallon, beer is taxed at a rate of \$1.24 per 31 gallon barrel (or approximately 4.5 cents per gallon), and liquid distilled spirits are taxed at a rate of \$2 or \$4 per gallon.

RTC section 32002 provides that the definitions contained in chapter 1 (sections 23001–23047) of division 9 of the BPC apply to the terms used in the Alcoholic Beverage Tax Law. This includes the definitions in BPC sections 23005, 23006, and 23007, which define “distilled spirits,” “beer,” and “wine,” respectively, and provide that:

23005. “Distilled spirits” means an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

23006. “Beer” means any alcoholic beverage obtained by the fermentation of any infusion or

decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer but does not include sake, known as Japanese rice wine.

23007. “Wine” means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake, known as Japanese rice wine.

Therefore, the Board must determine whether an alcoholic beverage is a distilled spirit, beer, or wine in order to determine which excise tax and which excise tax rate applies to that beverage under the Alcoholic Beverage Tax Law.

In late 2006, the Board received information that there were alcoholic beverages being sold as beer in California because they were made from the fermentation of malt or similar products, but which might also contain alcohol derived from the distillation of fermented agricultural products. This was because the federal government adopted alcoholic beverage regulations allowing “flavored malt beverages” to be labeled, advertised, and taxed like beer for federal purposes, and also allowing flavored malt beverages to contain specified amounts of alcohol from the distillation of fermented agricultural products. (See 27 C.F.R. § 7.1–7.81, 25.15.)

The Board determined that the definition for “beer” set forth in BPC section 23006 did not allow beer to contain alcohol from the distillation of fermented agricultural products. The Board also determined that beverages containing alcohol from the distillation of fermented agricultural products had to be classified as either distilled spirits or wine because the definitions for distilled spirits and wine in BPC sections 23005 and 23007 do allow those beverages to contain alcohol from the distillation of fermented agricultural products.

Based upon these determinations, the Board concluded that flavored malt beverages that are derived from the fermentation of malt or similar products and only contain a de minimis amount of alcohol from flavorings that are derived from the distillation of fermented agricultural products could consistently be classified as beer for federal and California purposes. How-

ever, the Board also concluded that flavored malt beverages containing more than a de minimis amount of alcohol from the distillation of fermented agricultural products had to be classified as distilled spirits for California tax purposes because the beverages were “obtained from the distillation of fermented agricultural products” as provided in BPC section 23005 and were clearly not wine. Therefore, the Board adopted Regulations 2558 through 2559.5 to prospectively clarify that alcoholic beverages are classified as distilled spirits under BPC section 23005 if they contain “0.5 percent or more alcohol by volume derived from flavors or other ingredients containing alcohol obtained from the distillation of fermented agricultural products” (Regulation 2558), regardless of the alcoholic beverages’ classification for federal purposes, and create a rebuttable presumption that all alcoholic beverages are distilled spirits for California tax purposes, effective October 1, 2008. (Regulations 2559–2559.5.) However, the distilled spirits regulations (Regulations 2558–2559.5) did not apply to wine, as defined in BPC section 23007, which may contain alcohol that is distilled from the particular agricultural product or products of which the wine is made.

Proposed Regulation

Part 24.10 of title 27 of the Code of Federal Regulations provides the general definition of wine for federal purposes and provides that: “When used without qualification, the term [wine] includes every kind (class and type) of product produced on bonded wine premises from grapes, other fruit (including berries), or other suitable agricultural products and containing not more than 24 percent alcohol by volume. The term includes all imitation, other than standard, or artificial wine and compounds sold as wine. A wine product containing less than one-half of one percent alcohol by volume is not taxable as wine when removed from the bonded wine premises.”

While Board staff was working with the manufacturers and brewers of flavored malt beverages to implement the distilled spirits regulations, staff was also in communication with wine growers and importers regarding wine-based products that are classified as wine for federal purposes, but may not meet the BPC section 23007 definition for wine. This is because BPC section 23007 expressly allows alcoholic beverages to be classified as wine if they include grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made, but does not expressly allow alcoholic beverages to be classified as wine if they include alcohol derived from the distillation of other fermented agricultural products; and BPC section 23007 limits the amount of flavoring, coloring, and blending materials that can be

added to wine. However, federal law allows alcoholic beverages to be classified as wine regardless of the source of their alcohol and federal law does not limit the amount of flavoring, coloring, and blending materials that can be added to wine.

As a result, Board staff issued two Special Notices to the wine industry, which both clarified that the distilled spirits regulations apply to all alcoholic beverages that do not meet the BPC section 23007 definition for wine. The first notice was dated December 2008, entitled *Special Notice to Wine Growers and Importers*, and mailed to wine grower and wine importer registrants. The notice advised producers and importers of wine-based alcoholic beverages that might not meet the statutory definition for wine, but which do not contain 0.5 percent or more alcohol by volume obtained from the distillation of fermented agricultural products to consider rebutting the presumption in Regulation 2559 by filing form BOE 505, *Alcoholic Beverage Tax Report for Rebutting Regulation 2559 Presumption*. Summaries of the distilled spirits regulations were included with this notice.

The second notice was dated December 2009, entitled *Alcoholic Beverages Taxed as Wine for Federal Purposes, May Not Meet California's Definition of Wine and Therefore May be Subject to Tax as Distilled Spirits for California Tax Purposes*, and was mailed to all of the Board's alcoholic beverage program accounts. The second notice advised that certain types of alcoholic beverages that may qualify as wine for federal classification purposes, namely wine specialties, flavored table wine, wine cocktails, wine coolers or other wine-based products or blends of wine from different fruits, may not meet California's definition of wine under BPC section 23007 and, therefore, may be considered distilled spirits and be taxed accordingly for California purposes. The notice also advised each manufacturer, grower, or importer to review California's wine definition, and if their product(s) did not meet California's definition of wine, to file form BOE-505, if appropriate, to rebut the distilled spirits presumption.

However, based on field visits to major producers of wine-based alcoholic beverages in 2010, staff became aware that significant differences of opinion and confusion still existed as to the proper classification of non-standard, wine-based products after the 2008 and 2009 notices were issued. Specifically, disagreement existed in the wine industry as to whether water constituted a blending material subject to BPC section 23007's limitation on blending materials. And confusion existed in the wine industry as to the rules governing, and the tax consequences of, introducing distilled alcohol to wine-based products. Therefore, Board staff prepared an Informal Issue Paper dated November 2, 2010, and submitted it to the Board Members for consideration at the Board's November 16, 2010, meeting.

The Informal Issue Paper summarized the information provided above, requested the Board's authorization for staff to initiate an interested parties process to discuss the two issues affecting the classification of wine more thoroughly, and included the following exhibits:

1. Regulations 2558 through 2559.5;
2. Formal Issue Paper 07-007 dated August 3, 2007, regarding the classification of flavored malt beverages and recommending that the Board begin the formal rulemaking process to adopt Regulations 2558 through 2559.5, which was submitted to the Board Members for consideration at the Board's August 14, 2007, meeting;
3. The minutes from the Board's August 14, 2007, meeting showing that the Board authorized staff to begin the formal rulemaking process to adopt Regulations 2558 through 2559.5;
4. The December 2008 Special Notice (discussed above);
5. The December 2009 Special Notice (discussed above); and
6. An initial draft of Regulation 2558.1, *Wine*, that staff wanted to discuss with interested parties because it raised various issues with regard to the classification of wine-based products.

As relevant here, the initial draft of Regulation 2558.1 included as exhibit 6 to the Informal Issue Paper indicated that wine-based alcoholic beverages that only contain a de minimis amount of alcohol from flavorings, colorings, or blending materials that are derived from the distillation of fermented agricultural products other than the particular agricultural product or products of which the wine is made could consistently be classified as wine for federal and California purposes. However, wine-based alcoholic beverages containing more than a de minimis amount of alcohol (0.5% or more by volume) from the distillation of fermented agricultural products other than the particular agricultural product or products of which the wine is made had to be classified as distilled spirits for California tax purposes because the beverages were "obtained from the distillation of fermented agricultural products" as provided in BPC section 23005 and were clearly not wine within the meaning of BPC section 23007.

On November 16, 2010, the Board authorized staff to conduct an interested parties meeting to discuss the draft of Regulation 2558.1 included as exhibit 6 to the Informal Issue Paper. During the interested parties process, including the interested parties meeting on December 17, 2010, Board staff learned that there was considerable disagreement in the wine industry regarding whether water should be treated as a blending material. Staff determined that the addition of any amount of

water to a wine-based alcoholic beverage would not make that beverage into a distilled spirit within the meaning of BPC section 23005, assuming that the wine-based alcoholic beverage did not contain alcohol from the distillation of fermented agricultural products other than the particular agricultural product or products of which the wine is made. And staff found that there appeared to be a general acceptance among the interested parties that, notwithstanding any objections they have, in general, to the existence of the distilled spirits regulations themselves, a wine-based alcoholic beverage containing distilled alcohol from a foreign source of 0.5 percent or more by volume would not be considered a wine under BPC section 23007 and would be classified as a distilled spirit under BPC section 23005 and Regulations 2558 through 2559.5 for tax purposes.

Following the interested parties meeting, Board staff prepared Formal Issue Paper 11-001 dated February 4, 2011, and submitted it to the Board Members for consideration at the Board's February 23, 2011, meeting. The Formal Issue Paper recommended that the Board authorize staff to begin the formal rulemaking process to adopt alternative 1 for Regulation 2558.1, which provided as follows:

- (a) Effective January 1, 2012, wine as defined by Business and Professions Code section 23007 does not include any alcoholic beverage containing 0.5 percent or more alcohol by volume obtained from the distillation of fermented agricultural products other than from the particular agricultural product or products of which the wine is made.
- (b) Except as provided in subdivision (a), wine-based products authorized for sale as wine by the Department of Alcoholic Beverage Control are deemed to be wine as defined by Business and Professions Code section 23007 for purposes of the Alcoholic Beverage Tax Law.

The proposed language of alternative 1 focused solely on the addition of alcohol derived from the distillation of agricultural products to wine-based alcoholic beverages and expressly clarified that wine does not include any wine-based alcoholic beverage containing 0.5 percent or more alcohol by volume obtained from the distillation of fermented agricultural products other than from the particular agricultural product or products of which the wine is made so that these types of wine-based alcoholic beverages will clearly be classified as distilled spirits under Regulation 2558. The proposed language included a January 1, 2012, effective date to permit wine growers and importers who had been relying on federal law and/or the Department of Alcoholic Beverage Control's (ABC's) classification of

their wine-based alcoholic beverages for California tax purposes time, without being penalized due to any prior confusion in the industry, to determine whether their wine-based alcoholic beverages are wine or distilled spirits under the Board's regulations, reformulate any of their wine-based alcoholic beverages so that they can continue to qualify as wine for California tax purposes, if necessary and desired, and begin to report and pay the applicable wine or distilled spirits excise tax on their wine-based alcoholic beverages.

The Formal Issue Paper also included two other alternative proposals for Regulation 2558.1, which were both based upon the draft of Regulations 2558.1 included as exhibit 6 to the Informal Issue Paper. Alternative 2, which was supported by former Acting Board Member Barbara Alby, contained proposed language that would clarify that water and juice from the same agricultural products from which the wine is made are not flavorings, colorings, or blending materials. Alternative 3, which was supported by E & J Gallo, contained proposed language that would define the term "wine base" and clarify that water is a blending material when added to a wine base. However, Board staff did not recommend that the Board choose these alternatives over Board staff's alternative 1 because of the dispute within the industry as to whether water should be treated as a flavoring, coloring, or blending material and because the addition of water was not crucial to the classification of an alcoholic beverage as either a wine or distilled spirit for California tax purposes. And alternatives 2 and 3 were withdrawn from the Board's consideration by their sponsors prior to the February 23, 2011, meeting. After hearing public comments, including E & J Gallo's comments supporting staff's alternative 1, and discussing staff's recommendation, the Board voted to authorize staff to begin the formal rulemaking process to adopt Board staff's alternative 1 during its February 23, 2011, meeting.

Finally, it should be noted that ABC treats all wine-based alcoholic beverages as wine for California labeling and licensing purposes if the beverages are classified as wine for federal purposes, regardless of whether the beverages contain 0.5 percent or more by volume of alcohol obtained from the distillation of fermented agricultural products other than from the particular agricultural product or products of which the wine is made or whether the blending material exceeds 15 percent by volume. Also, ABC treats all flavored malt beverages classified as beer for federal purposes as beer for California labeling and licensing purposes, regardless of whether the beverages contain alcohol derived from the distillation of fermented agricultural products and would be classified as distilled spirits under BPC section 23005 and the distilled spirits regulations. However,

er, the Board has its own independent constitutional and statutory authority to adopt regulations implementing, interpreting, and making specific the provisions of BPC sections 23005, 23006, and 23007 as they apply to the classification of alcoholic beverages under the Alcoholic Beverage Tax Law, the Office of Administrative Law has recognized that authority by approving the distilled spirits regulations, and ABC has not identified any binding or persuasive authority requiring the Board to acquiesce to the federal government's classification of alcoholic beverages where the federal classification conflicts with the express language of the BPC.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of proposed Regulation 2558.1 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of proposed Regulation 2558.1 will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has determined that the adoption of proposed Regulation 2558.1 merely clarifies when the addition of alcohol derived from the distillation of fermented agricultural products to wine-based alcoholic beverages will cause the beverages to be classified as distilled spirits, instead of wine, under the express definitions of distilled spirits and wine found in BPC sections 23005 and 23007, respectively. Furthermore, the proposed regulation includes an effective date to give wine growers and importers an opportunity to reformulate their nonconforming, wine-based alcoholic beverages so that they can continue to be classified as wine for California tax purposes after the regulation becomes effective. Therefore, the Board has made an initial de-

termination that the adoption of proposed Regulation 2558.1 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of proposed Regulation 2558.1 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has determined that the adoption of proposed Regulation 2558.1 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of proposed Regulation 2558.1 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed regulation should be directed to Bradley M. Heller, Tax Counsel III (Specialist), by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed

administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends when the public hearing begins at 10:00 a.m., or as soon thereafter as the matter may be heard, on May 24, 2011. If the Board receives written comments prior to the close of the written comment period, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt proposed Regulation 2558.1. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an Initial Statement of Reasons for and an underscored version of proposed Regulation 2558.1 illustrating its express terms. These documents and all the information on which the proposed regulation is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation and the Initial Statement of Reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt proposed Regulation 2558.1 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr.

Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts proposed Regulation 2558.1 the Board will prepare a Final Statement of Reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

TITLE 18. STATE BOARD OF EQUALIZATION

Amendments to California Code of Regulations, Title 18, Section 1533.2, *Diesel Fuel Used in Farming Activities or Food Processing*, and Section 1598, *Motor Vehicle and Aircraft Fuels*

Notice of Proposed Regulatory Action

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, sections (Regulations) 1533.2, *Diesel Fuel Used in Farming Activities or Food Processing*, and 1598, *Motor Vehicle and Aircraft Fuels*. The amendments to Regulation 1598 reflect the additional 1.75 percent Sales and Use Tax on diesel fuel imposed by RTC sections 6051.8 and 6201.8, effective July 1, 2011; incorporate the two exemptions from the additional 1.75 percent tax on diesel fuel provided by RTC section 6357.3; and prescribe the content of exemption certificate that must be used in conjunction with sales and purchases of diesel fuel that are exempt under RTC section 6357.3. The amendments to Regulation 1533.2 clarify that the partial exemption for diesel fuel used in farming activities or food processing provided by RTC section 6357.1 applies to the additional 1.75 percent Sales and Use Tax imposed under RTC sections 6051.8 and 6201.8, effective July 1, 2011, and that the partial exemption will no longer apply to the one percent Sales and Use Tax imposed under RTC sections 6051.7 and 6201.7 after that tax ceases to be operative on July 1, 2011.

PUBLIC HEARING

A public hearing on the adoption of the proposed regulatory action will be held in Room 121, 450 N Street,

Sacramento, at 10:00 a.m., or as soon thereafter as the matter may be heard, on May 24, 2011. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulations 1533.2 and 1598.

AUTHORITY

RTC section 7051.

REFERENCES

Regulation 1533.2: RTC section 6357.1.

Regulation 1598: RTC sections 6011, 6012, 6051.8, 6201.8, 6245.5, 6357, 6357.3, 6357.5, 6357.7, and 6423.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

Assembly Bill No. (AB) X8 6 (Stats. 2010, ch. 11) added sections 6051.8 and 6201.8 to the RTC to impose an additional 1.75 percent Sales and Use Tax on diesel fuel and amended RTC section 60050 to lower the Diesel Fuel Tax rate, beginning July 1, 2011. The additional Sales and Use Tax is specific to the sale and use of diesel fuel and is in addition to the sales taxes imposed under RTC sections 6051, 6051.2, 6051.3, and 6051.5, and the use taxes imposed under RTC sections 6201, 6201.2, 6201.3, and 6201.5.

Senate Bill No. (SB) 70 (Stats. 2010, ch. 9) was a companion bill to AB X8 6. As relevant here, SB 70 added section 6357.3 to the RTC to provide an exemption from the additional 1.75 percent Sales and Use Tax on diesel fuel for:

- Diesel fuel that is purchased for use or used in a manner that is exempt under the Diesel Fuel Tax Law and not subject to the backup tax imposed by RTC section 60058 or the payment requirement imposed by RTC section 60108 of the Diesel Fuel Tax Law (RTC § 60001 et seq.); and
- Diesel fuel that is subject to the payment requirement for qualifying exempt bus operators specified in RTC section 60502.2.

However, RTC section 6357.3, subdivision (b), provides that “[n]o exemption shall be allowed unless the purchaser furnishes the seller with an exemption certificate, completed in accordance with instructions or regulations as the Board may prescribe.”

Further, RTC sections 6051.7 and 6201.7, which imposed an additional one percent Sales and Use Tax on

the sale and purchase of tangible personal property effective April 1, 2009, will cease to be operative on July 1, 2011, based upon their own terms.

Furthermore, RTC section 6357.1 provides a partial exemption for diesel fuel used in farming activities or food processing. The partial exemption applies to all of the taxes imposed under the Sales and Use Tax Law (RTC § 6001 et seq.), except the taxes imposed under RTC sections 6051.2 and 6201.2, and taxes imposed under section 35 of article XIII of the California Constitution. And, the partial exemption provided by RTC section 6357.1 will apply to the additional 1.75 percent Sales and Use Tax on diesel fuel imposed by RTC sections 6051.8 and 6201.8, effective July 1, 2011, and will no longer apply to the one percent Sales and Use Tax imposed under RTC sections 6051.7 and 6201.7 after that tax ceases to be operative on July 1, 2011.

Proposed Amendments

The proposed amendments to Regulation 1598 reflect the additional 1.75 percent Sales and Use Tax on diesel fuel imposed by RTC sections 6051.8 and 6201.8 and the expiration of the additional one percent Sales and Use Tax imposed by RTC sections 6051.7 and 6201.7, effective July 1, 2011; incorporate the two exemptions from the additional 1.75 percent Sales and Use Tax on diesel fuel provided by RTC section 6357.3; and prescribe the content of exemption certificate that must be used in conjunction with sales and purchases of diesel fuel that are exempt under RTC section 6357.3. The amendments to Regulation 1533.2 clarify that the partial exemption for diesel fuel used in farming activities or food processing provided by RTC section 6357.1 applies to the additional 1.75 percent Sales and Use Tax on diesel fuel imposed under RTC sections 6051.8 and 6201.8, effective July 1, 2011, and that the partial exemption will no longer apply to the one percent Sales and Use Tax imposed under RTC sections 6051.7 and 6201.7 after that tax ceases to be operative on July 1, 2011.

The objective of the proposed amendments is to revise the text of Regulation 1533.2 to reflect that the partial exemption for diesel fuel used in farming activities or food processing provided by RTC section 6357.1 applies to the additional 1.75 percent Sales and Use Tax on diesel fuel imposed under RTC sections 6051.8 and 6201.8, effective July 1, 2011, and that the partial exemption will no longer apply to the one percent Sales and Use Tax imposed under RTC sections 6051.7 and 6201.7 after that tax ceases to be operative on July 1, 2011. The objective of the proposed amendments is also to revise the text of Regulation 1598 to reflect the provisions of RTC sections 6051.8, 6201.8, and 6357.3 that will be effective July 1, 2011 and to prescribe the con-

tent of the exemption certificate required by RTC section 6357.3.

There are no comparable federal regulations or statutes to Regulations 1533.2 and 1598.

Proposition 26

On November 2, 2010, California voters passed Proposition 26. Proposition 26 requires that certain state and local fees be approved by a two-thirds vote of both houses of the Legislature. Proposition 26 also voids any conflicting law adopted between January 1, 2010, and November 3, 2010, twelve months after the date the proposition was approved, unless the conflicting law is reenacted in conformance with the proposition's two-thirds vote requirement.

The provisions of AB X8 6, which were enacted in March of 2010, may be affected by Proposition 26; however, the Legislature has until November 2011 to reenact any nonconforming provisions of AB X8 6 in compliance with the provisions of Proposition 26. Therefore, the impact of Proposition 26 on AB X8 6 is uncertain and the Board is proposing to adopt the current amendments to reflect the provisions of current law.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulations 1533.2 and 1598 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulations 1533.2 and 1598 will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The adoption of the proposed amendments to Regulations 1533.2 and 1598 will merely revise the text of the

regulations so that they conform to the relevant provisions of the RTC that will be effective on July 1, 2011, and prescribe the content of the exemption certificate required by RTC section 6357.3. The proposed amendments will not impose any new taxes, provide any new exemptions, or require taxpayers to comply with any procedures that are not already required by the RTC. Therefore, the Board has made an initial determination that the adoption of the proposed amendments to Regulations 1533.2 and 1598 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulations 1533.2 and 1598 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has determined that the adoption of the proposed amendments to Regulations 1533.2 and 1598 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of the proposed amendments to Regulations 1533.2 and 1598 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Bradley M. Heller,

Tax Counsel III (Specialist), by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends when the public hearing begins at 10:00 a.m., or as soon thereafter as the matter may be heard, on May 24, 2011. If the Board receives written comments prior to the close of the written comment period, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt the proposed amendments to Regulations 1533.2 and 1598. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared underscored and strikeout versions of the text of Regulations 1533.2 and 1598 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments. These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the Initial Statement of Reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed amendments to Regulations 1533.2 and 1598 with changes that are non-substantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes

could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the original proposed amendments orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Regulations 1533.2 and 1598 the Board will prepare a Final Statement of Reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Sections 2706-1, 2706-2, and Adoption of Section 2706-8 of Title 22, California Code of Regulations

IDENTITY AND WAGE VERIFICATION FOR STATE DISABILITY INSURANCE BENEFITS

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend sections 2706-1, 2706-2 and to adopt section 2706-8 of Title 22, California Code of Regulations (CCR). The proposed regulations would provide the Department the authority to request additional documentation pertaining to an employee's wages if the Department suspects the wages may have been earned by someone other than the claimant. This provides the means for the Department to be able to verify that base period wages were in fact earned by the claimant requesting the benefits.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Disability Insurance (SDI) program was established in 1946 to provide a partial wage replacement

benefit to eligible workers in California who were unable to work due to a non-work related illness or injury. In addition, the SDI program provides for Family Temporary Disability Insurance (FTDI), which is a benefit that provides partial wage replacement to eligible workers who take time off work to care for a seriously ill child, spouse, parent, registered domestic partner, or to bond with a new child.

Currently, the CCR stipulates that fraudulent claims shall be denied payment for both SDI and FTDI claims. Section 2675(a) of the California Unemployment Insurance Code (CUIC) provides the Director of the Department the authority to stop payment on any SDI claim in which a false statement was made. Section 2675-1(b) of the CCR clarifies this provision by stating that payments may be discontinued when a fraudulent claim is suspected in order to maintain the solvency of the Disability Fund. However, there is no authority for the Department to require additional identity and wage information from a claimant whose identity is in question for purposes of determining eligibility for SDI benefits. Establishing authority to verify a claimant's identity and wages would assist the Department in determining the true base wage earner when the identity of the claimant is in question. This is necessary in cases where identity theft has occurred or when multiple people are using the same Social Security Number (SSN) for employment purposes.

In recent years, the Department experienced a significant increase in claims being flagged with identification alerts due to having SSN discrepancies and/or reflecting use by more than one person.

Based on SDI Branch data

- In 2005, 5,260 claims were flagged.
- In 2006, 10,276 claims were flagged.
- In 2007, 23,303 claims were flagged.
- In 2008, 11,030 claims were flagged.

Regulations currently provide the Department with the authority to verify claimant identity, relating to any Unemployment Insurance (UI) claim, by requiring claimants to submit verifying documents. The UI Branch also has a process for verifying wages and employers on questionable UI claims. The UI Branch requires individuals who file UI claims and have multiple employers, to have a minimum number of those employers listed on the claim form, otherwise the claim may be investigated. The SDI program does not have similar regulations to provide authority to verify a claimant's identity/wages.

The proposed regulations would provide the Department the authority to request additional documentation of an employee's wages if the Department suspects the wages may have been earned by someone other than the

claimant. This provides the means for the Department to verify that base period wages were earned by the claimant requesting the benefits.

CUIC sections 305 and 306 provide the Director of the Department authority to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under CUIC sections 2625, 2706, and 2708, SDI benefits are payable from the Disability Fund to individuals who file claims for benefits in accordance with authorized regulations and who are eligible to receive such benefit payments.

The addition of CCR section 2706-8 and amendments to CCR sections 2706-1 and 2706-2 will allow the Department to verify a claimant's identity on a claim where the identity of the claimant/base wage earner is not certain. It will allow the Department to notify the claimant that the information available to the Department indicates that the SSN may not belong to the claimant, is not a valid number, was never issued by the Social Security Administration, or that wages shown in the base period of the claim may not belong to the claimant. The proposed amendments would add "proof of wages earned," and "driver license" to the list of items the Department may require for verification of identity and wages.

Current regulatory language limits instances by which the Department can require a claimant to provide additional information needed to establish his/her identity. Establishing the identity of the person collecting or attempting to collect SDI or FTDI benefits is crucial to detecting and preventing fraud. New regulatory language is needed to authorize the Department to act on credible information from a variety of sources in order to investigate potential fraud and stop benefit payments to individuals involved in the fraud.

CCR sections 2706-1 and 2706-2 are amended to provide the Department the authority to:

- Require additional information to verify a claimant's identity if there is a discrepancy as to whether the true base wage earner is the person filing the claim.
- Verify a claimant's annual statement from the Social Security Administration.

The proposed amendments will address the above two bulleted items.

CCR section 2706-8 is added to provide the Department the authority to:

- Verify the identity of the claimant by requiring the claimant submit additional proof to verify wages earned.
- Grant or deny benefits based on additional information required by claimants attempting to verify wages and identity.

- Allow SDI representatives to competently defend the Department at California Unemployment Insurance Appeals Board hearings.

The proposed regulations will address the above three bulleted items.

Authority and Reference:

Authority: Sections 305, 306, and 2602, Unemployment Insurance Code.

Reference: Sections 1085, 1092, 2675, 2608, 2626, 2701.5, 2706, and 3303.1, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None.

Anticipated costs or savings to any State Agency: None.

Anticipated costs or savings to any local agency or school district: None.

Significant statewide adverse economic impact: The Department does not anticipate this regulatory action will result in any costs to the federal government, to state government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations would clarify existing statute; make conforming regulatory changes that are consistent with UI benefit requirements; and facilitate the processing of a claim for SDI benefits with no adverse impact on individuals filing a claim for SDI benefits. The Department has determined that the proposed regulatory action will not effect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Anticipated impact on housing costs: The proposed regulations will have no effect on housing costs.

Anticipated non-discretionary costs or savings imposed upon local agencies: None.

Small Business Impact:

The proposed amendments in and of themselves will have no effect on small businesses because they do not impose any new mandates on small businesses. The amendments do not require that small businesses take any action or refrain from taking any action in regard to conducting business.

Local Mandate Determination:

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Estela Gallawa via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than May 9, 2011 at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Estela Gallawa, Staff Counsel
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Estela Gallawa, Staff Counsel
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-8410
 Fax No.: (916) 654-9069
 E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Estela is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

Name: Debbie Kunitake, Legal Analyst
 Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Estela Gallawa, Staff Counsel
 Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on May 9, 2011.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a

statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FOOD AND AGRICULTURE

MEAT AND POULTRY INSPECTION BRANCH

NOTICE OF AN UPCOMING INTERESTED PERSONS MEETING

In accordance with Government Code section 11346.45, and Chapter 5 (commencing with section 19200), of Part 3, Division 9, of the Food and Agricultural Code, representatives from the California Department of Food and Agriculture are conducting a public meeting. The public meeting is to discuss proposed draft regulatory language relating to the implementation of a manifest reporting system for the disposition of inedible kitchen grease. Any person interested may present statements or recommendations at the public meeting, or may submit written comments relevant to the action proposed to the person designated in this Notice as the contact person by March 29, 2011.

Public Meeting Tuesday, March 29, 2011

California Department of Food and Agriculture
 1220 N Street, 1st Floor Auditorium
 Sacramento, CA 95814
 9:00 a.m.-12:00 p.m.

Contact Person

Douglas Hepper, DVM, Chief
 Department of Food and Agriculture
 Meat and Poultry Inspection Branch
 1220 N Street, Room A-125
 Sacramento, CA 95814
 Phone: (916) 654-0504
 Email: DHepper@cdfa.ca.gov

Materials relating to this proposed action may be found at: www.cdffa.ca.gov/ahfss/regulations.html.

**DEPARTMENT OF FOOD AND
AGRICULTURE**

**NOTICE OF EXTENSION TO THE 45-DAY
PUBLIC COMMENT PERIOD**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest published in the California Regulatory Notice Register [Notice File No. Z2011-0208-14, Register No. 7-Z, February 18, 2011], relating to the Meat and Poultry Inspection Branch rendering program.

The 45-day public comment for this proposal began February 18, 2011 and will end at 5:00 p.m. on April 4, 2011. This public comment period is extended until 5:00 p.m. on April 20, 2011.

Authority and Reference:

Authority cited: Sections 407, 19380, 19381, 19382, 19383, 19384, and 19385, Food and Agricultural Code; Reference: Sections 19227, 19228, 19240, 19260, 19280, 19300, 19300.5, 19301, 19302, 19303, 19305, 19310, 19310.5, 19310.7, 19312, 19313.1, 19313.5, 19313.8, 19315, 19320, and 19321, of said Code.

Sections Affected: Various sections of Subchapter 2, Chapter 4, Division 2, of Title 3, California Code of Regulations.

Written comments are to be addressed to the following persons. All written comments already received for this proposal will become a part of the Department's official rulemaking file and will be reviewed and responded to by Departmental staff as part of the compilation of the rulemaking file.

Douglas Hepper, DVM, Chief
Department of Food and Agriculture
Meat and Poultry Inspection Branch
1220 N Street, Room A-125
Sacramento, CA 95814
Telephone: (916) 654-0504
Fax: (916) 654-2608
Email: DHepper@cdffa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst
Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone: (916) 651-7280
Fax: (916) 653-4249
E-mail: NGrillo@cdffa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdffa.ca.gov/ahfss/regulations.html>.

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

NOTICE OF PUBLIC COMMENT PERIOD

**JENNINGS TECHNOLOGY COMPANY
OF SAN JOSE, LLC
CONSENT ORDER, DOCKET HWCA 20091966
San Jose, California**

PUBLIC COMMENT PERIOD

March 25, 2011 through April 25, 2011

What is being proposed? The Department of Toxic Substances Control (DTSC) invites you to comment on an enforcement action settlement document, Consent Order HWCA 20091966. DTSC negotiated this Consent Order with Jennings Technology Company of San Jose, LLC (Jennings).

This Consent Order addresses violations of the Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) determined during a DTSC Compliance Evaluation Inspection of Jennings, which began on January 28, 2009.

The violations include:

- Treating hazardous waste without a permit or grant of authorization;
- Storage of hazardous waste in containers for more than 90 days without a permit or grant of authorization;
- Failure to transfer hazardous waste from a damaged container to a container in good condition;
- Failure to determine if waste was hazardous by testing the waste or applying knowledge of the hazard characteristic;
- Failure to maintain protective distances with legible signage and markings;

- Failure to remove a cyanide sump from service after discovering that the secondary containment was compromised and the inner containment was damaged;
- Failure to conduct tank assessments;
- Failure to conduct daily tank inspections and retain inspection records;
- Failure to properly dispose of lead and copper-contaminated soldering waste;
- Failure to maintain the facility to minimize the possibility of release of hazardous waste to the air, soil or surface water;
- Failure to store universal waste in a covered container;
- Failure to properly label a hazardous waste tank; and
- Failure to properly post signage that prohibits smoking near the ignitable hazardous waste containers.

Under the Consent Order, Jennings Technology Company will pay \$347,000 of which \$10,000 is reimbursement of DTSC costs and \$337,000 is penalty. The final payment is due within 30 days from the effective date of the Consent Order. Jennings Technology Company has returned to compliance on all violations.

Why is DTSC providing a public comment period for this settlement? DTSC is seeking public comment as part of its ongoing effort to ensure transparency in all of its programs. Additionally, DTSC wishes to ensure that this settlement has taken into account all relevant facts and considerations in settling this case. DTSC will only consider changes to this settlement if comments provide facts or considerations showing that this settlement is inappropriate, improper or inadequate.

Written comments on this Consent Order must be submitted no later than April 25, 2011. Comments sent by fax should also be mailed. Comments sent only by mail must be postmarked by April 27, 2011. All comments should refer to the Jennings Technology Company of San Jose, LLC, Consent Order, and must also be sent to: Mr. Rick Robison, Enforcement and Emergency Response Program, Department of Toxic Substances Control, 700 Heinz Avenue, Berkeley, California 94710. Comments may be sent by fax to (510) 540-3891. DTSC will only consider changes to this settlement if comments provide facts or considerations showing that this settlement is inappropriate, improper or inadequate.

Where do I get more information? The Consent Order is available at DTSC's office located at 700 Heinz Avenue, Berkeley, California 94710, (510) 540-3891, and on DTSC's web site at: <http://www.dtsc.ca.gov/EnforcementOrders.cfm>, after accessing the link scroll

down to Jennings Technology Company of San Jose, LLC for additional information.

For additional information, questions or to discuss the Consent Order, please contact Mr. Rick Robison, Enforcement and Emergency Response Program, at (510) 540-3859, e-mail rrobison@dtsc.ca.gov.

NOTICE TO HEARING IMPAIRED INDIVIDUALS

TDD users may use the California Relay Service at 1-888-877-5378 (TDD) and ask to speak to Rick Robison at (510) 540-3859.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0309-01
BOARD OF EDUCATION
Parent Empowerment

This rulemaking action readopts, for a period of 90 days, emergency regulations which implement Senate Bill 4, Chapter 3, 5th Extraordinary Session, of 2010. The Senate Bill and these emergency regulations establish the parent empowerment process whereby parents of students who are or will be enrolled in 75 schools (which are not identified as persistently low achieving but which: are subject to federal corrective action, continue to fail to make adequate yearly progress, and have Academic Performance Index scores of less than 800) the right to petition for implementation of one of four specified school reform interventions. The regulations also, among other things, specify the requirements for these petitions and the petition process.

Title 5
California Code of Regulations
ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807
Filed 03/15/2011
Effective 03/15/2011
Agency Contact: Cynthia Olsen (916) 319-0584

File# 2011-0128-05
BOARD OF OCCUPATIONAL THERAPY
Limited Permit, Representation

The Board of Occupational Therapy submitted this action to amend section 4123 and to adopt section 4125 to title 16 of the California Code of Regulations. The amendment to section 4123 will require applicants for a limited Occupational Therapy permit to request the National Board of Certification in Occupational Therapy (NBCOT) to forward the applicant's examination scores to the Board before a limited permit will be issued. The adoption of section 4125 implements Business and Professions Code section 2570.18 to make clear that a person cannot represent themselves as authorized to practice occupational therapy in California unless they are licensed as an occupational therapist by the Board, and cannot represent themselves as certified by NBCOT unless licensed by the Board and registered with NBCOT.

Title 16
California Code of Regulations
ADOPT: 4125 AMEND: 4123
Filed 03/14/2011
Effective 04/13/2011
Agency Contact: James Schenk (916) 263-2249

File# 2011-0203-04
BOARD OF PILOT COMMISSIONERS
Medical Examinations

This regulatory action by the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun amends section 217 of Title 7 of the California Code of Regulations to require an annual medical examination of all pilots and inland pilots applying for renewal of their pilot's license, and pilot trainees continuing in the program. This amendment removes previous age-based requirements for exams and instead makes it a yearly exam.

Title 7
California Code of Regulations
AMEND: 217
Filed 03/14/2011
Effective 04/13/2011
Agency Contact: Terri Toohey (916) 768-5638

File# 2011-0203-05
CALIFORNIA FILM COMMISSION
Film and Television Tax Credit Program

This regulatory action amends the regulations and forms used for administering the California Film and Television Tax Credit program to facilitate and clarify the process for acquiring the tax credit.

Title 10
California Code of Regulations
AMEND: 5500, 5501, 5505, 5506, 5507
Filed 03/16/2011
Effective 04/15/2011
Agency Contact: Terri Toohey (916) 768-5638

File# 2011-0128-01
DENTAL BOARD OF CALIFORNIA
Retroactive Fingerprinting

This rulemaking action requires that dentists, Registered Dental Assistants, and Registered Dental Assistants in Extended Functions, who were licensed prior to January 1, 1999, or for whom an electronic record of submission of fingerprints to the Department of Justice (DOJ) does not exist, must furnish a full set of fingerprints to the DOJ for the purpose of conducting a criminal history record check and information search when the licensee next seeks to renew his/her license. The rulemaking adopts other provisions related to implementation of this requirement.

Title 16
California Code of Regulations
ADOPT: 1007, 1008 AMEND: 1017.2
Filed 03/09/2011
Effective 07/01/2011
Agency Contact: Sarah Wallace (916) 263-2187

File# 2011-0127-03
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
SB 1453 Residential Aftercare Program

The Department of Corrections and Rehabilitation submitted this rulemaking action to adopt sections 3800, 3800.1, 3800.2 and 3800.3 to title 15 of the California Code of Regulations concerning residential drug treatment aftercare. This action establishes a new 150-day residential substance abuse program for parolees that implements Penal Code section 3050. The program is referred to as the Treatment Incentive Program (TIP) in order to differentiate it from similar residential substance abuse programs. The program defines eligibility and exclusionary criteria for participating in the TIP residential drug treatment aftercare program, and defines the process by which a parolee who successfully completes the program shall be discharged from parole after successful completion of the 150-day program.

Title 15
California Code of Regulations
ADOPT: 3800, 3800.1, 3800.2, 3800.3
Filed 03/09/2011
Effective 04/08/2011
Agency Contact: Josh Jugum (916) 445-2228

File# 2011-0128-02

DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Interior Quarantine

This action effectively repeals the existing Gypsy Moth (*Lymantria dispar*) interior quarantine by deleting the legal description of the area under quarantine in Ventura County.

Title 3

California Code of Regulations

AMEND: 3408

Filed 03/14/2011

Effective 04/13/2011

Agency Contact: Lindsay Rains (916) 654-1017

File# 2011-0203-06

DEPARTMENT OF INSURANCE
Principally At-Fault Regulation

This action updates the procedure and standards an insurance company must use in determining whether a driver was principally at fault for an automobile accident and adopts a new regulation to clarify the criteria and points system used in determining eligibility for a Good Driver Discount.

Title 10

California Code of Regulations

ADOPT: 2632.13.1 AMEND: 2632.13

Filed 03/16/2011

Effective 12/11/2011

Agency Contact:

Lisbeth Landsman-Smith (916) 492-3561

File# 2011-0203-02

DEPARTMENT OF JUSTICE
Schedule of Investigation and Processing Costs

The Department of Justice, Division of Law Enforcement, Bureau of Gambling Control (Bureau) submitted this rulemaking action to amend title 11, California Code of Regulations, section 2037. The amendment will increase the deposit amounts that specified persons are required to pay for investigations conducted by the Bureau related to applications for a state gambling licenses, review of games, and review of contracts for third party providers of proposition player services. Certain license applicants, as specified, will only be required to submit deposits if requested by the Bureau when an investigation is deemed necessary.

Title 11

California Code of Regulations

AMEND: 2037

Filed 03/16/2011

Effective 04/15/2011

Agency Contact: Erica Goerzen (916) 322-0908

File# 2011-0201-01

FISH AND GAME COMMISSION
New Restricted Species Permits and Requirements

In this regulatory action pertaining to "New Restricted Species Permits and Requirements," the Fish and Game Commission (Commission) amends its existing regulations entitled "Importation, Transportation and Possession of Live Restricted Animals," "Permits for Restricted Species," and "Permits for Aquaculture Purposes." The Commission also adopts a new "fees and forms" regulation which sets forth fees related to restricted species permits and which incorporates by reference forms used in connection with the restricted species permit application process.

Title 14

California Code of Regulations

ADOPT: 703 AMEND: 671, 671.1, 671.7

Filed 03/09/2011

Effective 04/08/2011

Agency Contact: Jon Snellstrom (916) 654-9868

File# 2011-0125-01

PUBLIC EMPLOYEES RETIREMENT SYSTEM
Board of Administration, Board of Meeting Notice

This regulatory action enables CalPERS to provide notice of Board meetings by electronic mail. This new section was adopted to achieve cost savings, increase the quality of customer service delivery, and support the environmentally friendly efforts of CalPERS.

Title 2

California Code of Regulations

ADOPT: 552

Filed 03/09/2011

Effective 04/08/2011

Agency Contact: Veronica Mora (916) 795-0713

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN October 13, 2010 TO March 16, 2011

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

03/09/11 ADOPT: 552

03/08/11 ADOPT: 18451 REPEAL: 18451, 18452, 18453

03/07/11	AMEND: 18404.1	10/27/10	ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5
03/07/11	AMEND: 18435, 18450.4	10/26/10	ADOPT: 2297.1
03/03/11	AMEND: 1897	10/21/10	ADOPT: 58.8 AMEND: 59.3
02/23/11	AMEND: 18734, 18751		
02/17/11	AMEND: 18116	Title 3	
02/17/11	AMEND: 18239	03/14/11	AMEND: 3408
02/17/11	ADOPT: 18401.1, 18435.5	03/01/11	AMEND: 3558
02/15/11	AMEND: 599.500, 599.501	02/17/11	AMEND: 3437
01/28/11	ADOPT: 559	02/15/11	AMEND: 3430
01/26/11	ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4 AMEND: Heading for Subchapter 1.3 — Article 25	02/15/11	ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7
01/25/11	AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104	02/10/11	AMEND: 3601
01/13/11	AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06, 50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24	02/10/11	AMEND: 3434(b), (c)
01/12/11	ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12) REPEAL: 172.9	02/10/11	AMEND: 3423(b)
01/12/11	AMEND: 59.3 Appendix A	01/13/11	AMEND: 3425(b), (c)
01/06/11	ADOPT: 649.17.1, 649.19, 649.20 AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62	01/13/11	AMEND: 3591.20(a)
01/06/11	AMEND: 67.3	01/13/11	AMEND: 3591.15(a), (b)
12/28/10	AMEND: Div. 8, Ch. 114, Sec. 59590	01/11/11	AMEND: 1430.142
12/21/10	AMEND: 561, 561.1, 561.2, 561.3, 561.4, 561.5, 561.8, 561.9, 561.11 (renumbered to 561.10), 561.12 (renumbered to 561.11), 561.13 (renumbered to 561.12) REPEAL: 561.10, 561.14	01/11/11	AMEND: 3591.20(a)
12/20/10	AMEND: 18723	12/30/10	AMEND: 3435(b)
12/20/10	ADOPT: 18215.2 AMEND: 18215, 18225, 18450.1, 18450.4, 18450.5	12/29/10	AMEND: 3434(b) and (c)
12/16/10	ADOPT: 1859.90.1 AMEND: renumber 1859.90.1 as 1859.90.2 (not shown), 1859.129, 1859.197	12/20/10	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624
11/30/10	AMEND: 67.8 (Appendix A)	12/14/10	AMEND: 3434(b) and (c)
11/23/10	ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05	12/14/10	AMEND: 850
11/22/10	AMEND: 1859.2, 1859.83	12/09/10	AMEND: 6860
11/16/10	AMEND: 7286.1	12/06/10	AMEND: 3906
11/15/10	AMEND: 18545, 18703.4, 18730, 18940.2, 18943	11/30/10	AMEND: 3406
11/15/10	AMEND: 18225	11/24/10	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407
10/29/10	ADOPT: 1859.90.2 AMEND: Renumber 1859.90.2 to 1859.90.3, 1859.129, 1859.197	11/24/10	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407
10/28/10	AMEND: 59.1	11/22/10	AMEND: 3435(c)
		11/18/10	AMEND: 105, 108
		11/17/10	AMEND: 3434(b)
		11/17/10	AMEND: 3434(b)
		11/17/10	AMEND: 3437
		11/15/10	REPEAL: 3000, 3001, 3002, 3003, 3004
		11/09/10	AMEND: 3437
		10/27/10	AMEND: 6447, 6447.2, 6784
		10/21/10	AMEND: 3591.5(a)
		10/18/10	AMEND: 3437(b)

Title 4

03/07/11	ADOPT: 8035.5	01/20/11	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033
03/07/11	ADOPT: 8078.2 AMEND: 8070, 8072	01/14/11	ADOPT: 11968.5
03/03/11	REPEAL: 4002.2(a)	01/10/11	AMEND: 30730, 30731, 30735, 30736
02/16/11	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164	12/23/10	AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1, 3947, 4417, 4421, 4422, 4424, 5504, 5594, 5601, 5710, 10042, 10070, 10090, 11004, 11005, 11010, 11214, 11234, 11250, 11503, 11508, 11523, 11530, 11531, 11537, 11538, 13000, 13009, 13014, 13025, 13039, 13040, 13043, 13052, 14100, 15106, 15158, 15184, 15375, 15376, 15384, 15405, 15531, 15532, 15534, 15535, 15550, 15551, 16000, 18000, 18009, 18013, 18016, 18025, 18031, 18032, 18056, 18057, 18070, 18071, 18072, 18073, 18242, 18300, 18303, 18305, 18306, 18307, 18308, 18460, 18461, 18533
01/24/11	ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205	12/22/10	AMEND: 80413.3 REPEAL: 80430.2
01/06/11	AMEND: 8070, 8072, 8073, 8074	12/02/10	ADOPT: 4700, 4701, 4702, 4703
01/06/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590	12/01/10	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240
12/14/10	AMEND: 10322(h)(5), 10325(c)(3)(B), 10325(c)(8)	11/18/10	ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650,
12/07/10	ADOPT: 12347, 12348 AMEND: 12002, 12345		
11/29/10	AMEND: 1374.2		
11/29/10	AMEND: 8070, 8072, 8073, 8074		
11/04/10	AMEND: 8034, 8035, 8042, 8043		
11/02/10	AMEND: 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504, 12508		
10/26/10	AMEND: 1844		

Title 5

03/15/11	ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807		
03/01/11	ADOPT: 1216.1		
02/22/11	ADOPT: 42398		
02/22/11	AMEND: 42375		

71655, 71725, 71775, 71800, 71805,	02/01/11	AMEND: 5291
71830, 71855, 71860, 71870, 71875,	01/20/11	AMEND: 344.6, 344.16, 344.18
71880, 71885, 71890, 71900, 71905,	12/29/10	AMEND: 1709
71910, 72000, 72005, 72010, 72020,	12/09/10	AMEND: 2813
72101, 72105, 72110, 72120, 72130,	12/09/10	AMEND: 1742
72140, 72150, 72160, 72170, 72180,	12/08/10	AMEND: 344.30
72190, 72200, 72210, 72220, 72230,	12/08/10	AMEND: 1648, 1675, 3276, 3277, 3278,
72240, 72250, 72260, 72270, 72280,		3287, 3413, 3458.1 REPEAL: 1678,
72290, 72300, 72310, 72330, 72340,		3279, 3280
72360, 72380, 72400, 72405, 72410,	11/15/10	AMEND: 9701, 9702
72415, 72420, 72450, 72455, 72460,	11/04/10	AMEND: 16423 REPEAL: 16450,
72465, 72470, 72500, 72505, 72515,		16451, 16452, 16453, 16454, 16455,
72520, 72550, 72555, 72560, 72565,		16460, 16461, 16462, 16463, 16464
72570, 72600, 72605, 72610, 72615,	11/02/10	ADOPT: 5197
72650, 72655, 72700, 72701, 72705,	11/02/10	AMEND: 1504, 1637, 3622
72710, 72715, 72720, 72725, 72730,	10/27/10	ADOPT: 1600.1 AMEND: 1600, 1601
72735, 72740, 72745, 72770, 72775,	Title 9	
72800, 72805, 72810, 72830, 72850,	12/06/10	ADOPT: 3200.028, 3200.252, 3630.05,
72855, 72860, 72865, 72870, 72875,		3630.10, 3630.15 AMEND: 3630, 3650
72880, 72885, 72890, 72900, 72905,	10/18/10	ADOPT: 1810.326, 1810.376, 1810.439
72910, 72915, 72920, 72930, 73000,		AMEND: 1810.317, 1810.321,
73010, 73100, 73110, 73120, 73130,		1810.323, 1810.345, 1810.350,
73140, 73150, 73160, 73165, 73170,		1810.360, 1810.365, 1810.375,
73180, 73190, 73200, 73210, 73220,		1810.380, 1810.425, 1810.430,
73230, 73240, 73260, 73270, 73280,		1810.435, 1810.436, 1810.438,
73290, 73300, 73310, 73320, 73330,		1820.220, 1820.225, 1830.215,
73340, 73350, 73360, 73380, 73390,		1840.112, 1850.213
73400, 73410, 73420, 73430, 73440,	Title 10	
73470, 73480, 73500, 73520, 73530,	03/16/11	ADOPT: 2632.13.1 AMEND: 2632.13
73540, 73550, 73600, 73610, 73620,	03/16/11	AMEND: 5500, 5501, 5505, 5506, 5507
73630, 73640, 73650, 73660, 73670,	03/03/11	ADOPT: 1580, 1581, 1582, 1583, 1584,
73680, 73690, 73700, 73710, 73720,		1585, 1586, 1587, 1588, 1589, 1590,
73730, 73740, 73750, 73760, 73765,		1591, 1592, 1593, 1594, 1595, 1596
73770, 73780, 73790, 73800, 73820,	02/10/11	ADOPT: 2593, 2593.1, 2593.2, 2593.3,
73830, 73831, 73832, 73850, 73860,		2593.4, 2593.5, 2593.6, 2593.7
73870, 73880, 73890, 73900, 73910,	02/02/11	AMEND: 2699.6500, 2699.6700,
74008, 74010, 74014, 74016, 74018,		2699.6707, 2699.6721
74020, 74030, 74040, 74050, 74100,	01/31/11	ADOPT: 3575, 3576, 3577 AMEND:
74180, 74300, 74310, 74320, 75000,		3500, 3522, 3523, 3524, 3526, 3527,
75020, 75030, 75040, 75100, 75110,		3528, 3529, 3530, 3582, 3681, 3702,
75120, 75130		3703, 3721, 3724, 3726, 3728, 3731,
10/18/10		3741
AMEND: 80015, 80015.1, 80015.2,	01/24/11	AMEND: 2222.12
80015.3, 80015.4, 80021, 80021.1,	12/31/10	ADOPT: 2582, 2582.1, 2582.2, 2582.3
80024.7, 80024.8	12/30/10	AMEND: 2614, 2614.7, 2614.13
10/18/10	12/29/10	ADOPT: 2188.65, 2695.180, 2695.181,
ADOPT: 1216.1		2695.182, 2695.183 AMEND: 2190.2,
Title 7		2190.3
03/14/11	12/29/10	AMEND: 2542.4
AMEND: 217	12/23/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1,
02/02/11		1422.5, 1422.6, 1422.6.1, 1422.6.2,
AMEND: 215		1422.6.3, 1422.7, 1422.7.1, 1422.9,
11/23/10		1422.10, 1422.11, 1422.12, 1424, 1437,
AMEND: 206, 207		1950.122.1, 1950.122.4, 1950.122.4.1,
11/09/10		
AMEND: 219, 202		
10/13/10		
AMEND: 212.5		
10/13/10		
AMEND: 212.5		
Title 8		
03/07/11		
AMEND: 3328		

1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122		Title 13, 17	
		01/20/11	AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3
		10/19/10	AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3
11/04/10 AMEND: 2689.8(c)		Title 14	
10/21/10 AMEND: 2498.6		03/09/11	ADOPT: 703 AMEND: 671, 671.1, 671.7
10/18/10 ADOPT: 3575, 3576, 3577 AMEND:		02/24/11	AMEND: 11600
3500, 3522, 3523, 3524, 3526, 3527,		02/17/11	REPEAL: 19020, 19021, 19022, 19023, 19024, 19025
3528, 3529, 3530, 3582, 3681, 3702,		02/08/11	AMEND: 817.02
3703, 3721, 3724, 3726, 3728, 3731,		02/07/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.9, 956.9, 1052, 1052.1, 1052.2
3741		01/12/11	AMEND: 632
Title 11		01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13
03/16/11 AMEND: 2037		01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13
01/31/11 ADOPT: 4075 AMEND: 4047, 4049,		12/30/10	ADOPT: 1722.8, 1722.8.1, 1722.9, 1773.1, 1773.2, 1773.3, 1773.4, 1773.5, 1774.1, 1774.2, 1777, 1777.1, 1777.2, 1777.3 AMEND: 1722, 1760, 1770, 1773, 1774 REPEAL: 1724.2
4050, 4051, 4052, 4053, 4057, 4058,		12/03/10	AMEND: 29.80
4059, 4060, 4061, 4062, 4063, 4064,		11/22/10	AMEND: 1220
4065, 4066, 4067, 4068, 4070, 4071,		11/19/10	AMEND: 895.1, 914.7, 915.1, 916.9, 923.1, 923.2, 923.5, 934.7, 935.1, 936.9, 943.1, 943.2, 943.5, 954.7, 955.1, 956.9, 963.1, 963.2, 963.5, 1093.2, 1104.1
4072, 4073, 4074 REPEAL: 4055		11/09/10	AMEND: 163, 164
12/30/10 AMEND: 1005, 1060		10/27/10	AMEND: 18660.40
12/29/10 AMEND: 1001, 1004, 1005, 1006, 1007,		10/18/10	AMEND: 13800
1008, 1009, 1052, 1053, 1055, 1056,		Title 15	
1071, 1080, 1081, 1083		03/09/11	ADOPT: 3800, 3800.1, 3800.2, 3800.3
11/02/10 ADOPT: 51.26		03/03/11	ADOPT: 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3522, 3523, 3525, 3526, 3527
Title 13		02/18/11	AMEND: 4710, 4711, 4712, 4713, 4714
03/07/11 AMEND: 2477		01/14/11	ADOPT: 4190, 4191 REPEAL: 4192.5, 4193, 4196
02/24/11 ADOPT: 551.21		12/13/10	ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085
02/24/11 ADOPT: 551.19, 551.20, 551.23, 551.24,		11/22/10	ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767
551.25 AMEND: 550, 551.2, 551.11,		11/16/10	AMEND: 1730, 1778, 1790
551.12		10/14/10	ADOPT: 4168.7, 4171.5 AMEND: 4166, 4168, 4168.5, 4169, 4169.5, 4169.9,
02/22/11 AMEND: 551.14, 555.1, 584			
02/16/11 AMEND: 594, 595, 597 REPEAL: 593			
02/15/11 AMEND: 567, 583, 591, 593.1, 593.3			
02/15/11 AMEND: 272.00, 272.02			
01/27/11 AMEND: 2621(i), 2623			
01/19/11 AMEND: 1961			
01/18/11 ADOPT: 2711 AMEND: 2701, 2702,			
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01/03/11 AMEND: 1239			
12/23/10 AMEND: 423.00			
11/09/10 AMEND: 551.15, 551.17, 556, 558, 561,			
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11/08/10 AMEND: 1956.8, 1958, 1961, 1976,			
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2171, 2172, 2172.1, 2172.2, 2172.3,			
2172.4, 2172.5, 2172.6, 2172.7, 2172.8,			
2172.9, 2173, 2174			

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03/14/11 ADOPT: 4125 AMEND: 4123
03/09/11 ADOPT: 1007, 1008 AMEND: 1017.2
03/03/11 AMEND: 375
03/03/11 AMEND: 117
03/01/11 AMEND: 1399.157, 1399.160.3,
1399.160.6
02/23/11 AMEND: 400, 401, 404, 463.5, 3000,
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02/08/11 AMEND: 1518, 1523, 1531, 1532, 1533,
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02/02/11 ADOPT: 1381.7, 1381.8, 1381.9
02/01/11 ADOPT: 87.9, 88.2, 90
01/31/11 AMEND: 2000, 2010, 2010.1, 2015,
2015.2, 2020, 2023, 2024 REPEAL:
2014.5, 2017, 2018
01/27/11 AMEND: 3394.3, 3394.4, 3394.5,
3394.6, 3394.7
01/11/11 ADOPT: 3394.7 AMEND: 3394.1,
3394.4, 3394.5, 3394.6
12/21/10 ADOPT: 38, 47, 48.4 AMEND: 48.6
12/20/10 AMEND: 1520
12/20/10 ADOPT: 1399.557
12/20/10 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48,
48.1, 48.2, 48.3, 48.5, 48.6
12/15/10 ADOPT: 321.1
12/14/10 AMEND: 1018
12/09/10 ADOPT: 1571
11/24/10 AMEND: 1417
11/23/10 AMEND: 144
11/18/10 AMEND: 811
11/17/10 ADOPT: 1707.5
11/08/10 AMEND: 1974, 1996.1
10/18/10 AMEND: 3394.3, 3394.4, 3394.6

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03/07/11 ADOPT: 100801
02/17/11 AMEND: 52170, 52172, 52173
02/02/11 ADOPT: 95350, 95351, 95352, 95353,
95354, 95355, 95356, 95357, 95358,
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01/10/11 ADOPT: 100800
01/10/11 AMEND: 100080
12/23/10 AMEND: 94508, 94509
11/10/10 AMEND: 50300
11/09/10 AMEND: 30253, 30255, 30256
10/20/10 ADOPT: 95380, 95381, 95382, 95383,
95384, 95385, 95386, 95387, 95388,
95389, 95390, 95391, 95392, 95393,
95394, 95395, 95396, 95397, 95398
10/13/10 AMEND: 30100, 30195 REPEAL:
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01/31/11 AMEND: 1506
01/12/11 AMEND: 1584
01/10/11 AMEND: 1533.1
10/18/10 AMEND: 1020 REPEAL: 471

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02/18/11 ADOPT: 2991, 2992, 2993, 2994, 2995,
2996, 2997, 2998, 2999, 2999.1, 2999.2,
2999.3, 2999.4, 2999.5 AMEND: 2900
01/12/11 ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08,
1.09, 1.11, 1.12, 1.13, 2.02, 3.00
(renumbered to 3.00.1), 3.01, 3.02, 3.03,
3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13,
3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22,
3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32,
4.3, 4.5, 204, 303, 315, 324, 325, 332,
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01/25/11 AMEND: 6680

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02/15/11 ADOPT: 4451 AMEND: 4400, 4401.5,
4405, 4417, 4427, 4429, 4447
01/10/11 AMEND: 51510, 51510.1, 51510.2,
51510.3, 51511, 51511.5, 51511.6,
51535, 51535.1, 51544, 54501
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52104, 52500, 52501, 52502, 52503,
52504, 52505, 52506, 52507, 52508,
52509, 52510, 52511, 52512, 52513,
52514, 52515, 52516, 52600 REPEAL:
52103
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65740, 65745, 65750, 65755
12/21/10 ADOPT: 64417, 64418, 64418.1,
64418.2, 64418.3, 64418.4, 64418.5,
64418.6, 64418.7
12/15/10 AMEND: 100105
11/10/10 AMEND: 51516.1
10/26/10 AMEND: 97234, 97264, 97267

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01/19/11 ADOPT: 3775.5, 3776, 3779.5 AMEND:
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3740, 3741, 3742, 3750, 3751, 3762,
3763, 3775, 3777, 3778, 3779, 3780,
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3760, 3761, 3764, 3776, 3782
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01/03/11 ADOPT: 3919.9
12/23/10 ADOPT: 3939.37

12/20/10 ADOPT: 907, 910, 915, 920, 921, 925, 929, 930
 12/17/10 ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5
 12/15/10 AMEND: 3943
 12/07/10 ADOPT: 3909 AMEND: 3900
 11/18/10 AMEND: 2200, 2200.3, 2200.4, 2200.6
 11/17/10 AMEND: 1062, 1064, 1066, 3833.1
 11/04/10 ADOPT: 3929.5

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03/07/11 AMEND: 5002, 5010, 5040
 02/18/11 ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616
 02/10/11 ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324
 01/28/11 AMEND: 3070, 4204, 4210, 4212
 01/26/11 ADOPT: 7980, 7980.1, 7980.2, 7980.3

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02/16/11 AMEND: 27001
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 01/26/11 AMEND: 25705
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2011 RULEMAKING CALENDAR

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